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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 MARK I. SOKOLOW, et al.,

4 Plaintiffs,

5 v.

04 CV 397 (GBD)
Trial

6 PALESTINE LIBERATION
7 ORGANIZATION, et al.,

8 Defendants.

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9 New York, N.Y.
10 January 22, 2015
9:30 a.m.

11 Before:

12 HON. GEORGE B. DANIELS,

13 District Judge
and a Jury

14 APPEARANCES

15 ARNOLD & PORTER LLP
Attorneys for Plaintiffs

16 BY: KENT A. YALOWITZ
17 PHILIP W. HORTON
TAL MACHNES
18 SARA PILDIS
CARMELA T. ROMEO
RACHEL WEISER

19 MILLER & CHEVALIER, CHARTERED
20 Attorneys for Defendants

21 BY: MARK J. ROCHON
22 LAURA G. FERGUSON
BRIAN A. HILL
MICHAEL SATIN

23 Also present: RACHELLE AVITAL, Hebrew interpreter
24 RINA NE'EMAN, Hebrew interpreter
25

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(In open court; jury not present)

THE COURT: I want to see what we have to address at least before the break this morning. I have looked at everything that I got other than plaintiff's letter and attachments that I received 20 seconds ago. I haven't looked at that. So if that is of some urgency, we should address that, but let me address those issues that I'm informed about.

There seems to be some disagreement about redaction of Exhibit 17.

MR. YALOWITZ: I thought we went over 17 and that the Court's -- I thought there was some confusion based on the chart where there was some quotation marks put in by the defendants that led the Court to believe that there was a quote of some article in Exhibit 17. I think the Court then went back and looked at the actual exhibit. My recollection is that in the written order that you issued, you were very specific about what could stay in and what was based on -- or at least the ruling was based on, you know, enemy media or something like that. So I thought we were faithful to the order. We provided those redactions --

THE COURT: You're leaving that in or are you taking that out?

MR. YALOWITZ: We took out the thing about "according to enemy media."

THE COURT: But the way it's described in defendant's

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1 letter, that's not the way it is here.

2 MR. SATIN: I have a copy of the redaction if the
3 Court would like to see it, the redacted exhibit.

4 THE COURT: I just want to make sure the two of you
5 are talking about the same thing.

6 MR. YALOWITZ: Right. I guess I haven't seen this
7 letter until just this moment, but I believe that where they
8 have description of event they are correctly reproducing my
9 redaction, which is "description of event" and then it's
10 redacted.

11 THE COURT: So it's just the opposite of what you
12 said. You said "according to the enemy media" is redacted.
13 It's not redacted in the letter that I have with the redaction.

14 MR. YALOWITZ: Then I wasn't clear. What I was trying
15 to convey is that the substance of what appears to be a media
16 report has been redacted. We have left in the name of the
17 suicide terrorist, and we've left in that that they are
18 reporting on from so-called enemy media. Then we left in the
19 thing that they don't want, which is their conclusion from
20 their report, "the operation was claimed by the al-aqsa martyr
21 brigades, the military wing of Fatah." That is why we are
22 having this conversation. Because their employees in their
23 report concluded that this suicide bombing was claimed by the
24 al-aqsa military brigade, the military wing of Fatah.

25 THE COURT: Is there some evidence in this case that

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1 that is the case?

2 MR. YALOWITZ: I think this is what I have on that
3 attack.

4 No, that's not true. There is some other evidence for
5 example Marwan Barghouti marched at the funeral of Wafa Idris
6 and the video and of the funeral show Al-Aqsa Martyr Brigade
7 insignias.

8 THE COURT: Is this supposed to be represent -- have
9 you filed evidence of a public statement that was issued by the
10 Al-Aqsa Martyr Brigade taking responsibility for this attack?
11 Do you intend to put that in evidence?

12 MR. YALOWITZ: I am not offering independent evidence
13 other than this is a claim by the Al-Aqsa Martyr Brigade that
14 they took credit for.

15 THE COURT: So what do you claim is the source of this
16 information? You want to imply that they had some secret
17 information or you believe that this is a reference to some
18 public statement that was made taking responsibility for it.

19 MR. YALOWITZ: I have no idea how they got this
20 information. They've got witnesses who are going to come who
21 prepared these documents, so they can explain them.

22 THE COURT: You have no idea whether Al-Aqsa Martyr
23 Brigade ever took responsibility for it?

24 MR. YALOWITZ: We have significant evidence linking
25 al-aqsa brigade to this attack, for example, photographs and

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1 video of the symbolic funeral of Wafa Idris.

2 THE COURT: That's not the answer to my question.

3 MR. YALOWITZ: Then I'm not understanding the
4 question. Ask me again.

5 THE COURT: The question is fairly direct.

6 In many instances when there is an attack, someone
7 announces publicly that a certain organization is taking
8 responsibility for that.

9 MR. YALOWITZ: I don't have an announcement like that.

10 THE COURT: That's all I'm asking. Then you don't
11 know whether or not anyone ever publicly made a statement for
12 which this is being cited saying that "We are the ones that
13 executed this terrorist."

14 MR. YALOWITZ: I don't have a statement like that. I
15 have video of a funeral in which people associated with
16 al-aqsa, like Marwan Barghouti, say "This is a good operation
17 we're going to continue this," but I don't have like a fax to
18 the news media, you know, "this was our attack, yours truly
19 Al-Aqsa Martyr Brigade."

20 THE COURT: What's the date of this exhibit?

21 MR. YALOWITZ: I think it's February 14, 2002, about
22 two weeks after the attack.

23 THE COURT: The attack was on which date?

24 MR. YALOWITZ: January 27, 2002.

25 THE COURT: Would you just tell me in your comparison

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1 chart -- because I want to go back and look at my individual
2 notes -- what page this exhibit is on?

3 MR. YALOWITZ: 82.

4 THE COURT: 82?

5 MR. YALOWITZ: 82.

6 THE COURT: My 82 is blank.

7 MR. YALOWITZ: It will probably be a little earlier
8 than 82. There is a section on martyr files.

9 MR. SATIN: Page 83, your Honor.

10 MR. YALOWITZ: 83, a little after 82.

11 THE COURT: OK.

12 MR. YALOWITZ: I think the problem arose because the
13 defendants put quotations -- if I am remembering right, the
14 defendants put quotations which indicate that they are quoting
15 from the document. I think that may have led you to think that
16 the document itself contained quotations from a third source.

17 THE COURT: Let me see the document.

18 MR. HILL: May I approach, your Honor?

19 THE COURT: Yes, whoever has it.

20 MR. HILL: This is the proposed redacted version.
21 Would you like the unredacted version as well, your Honor?

22 THE COURT: Yes.

23 MR. SATIN: It's on page 2 of the document, your
24 Honor.

25 THE COURT: It's difficult for me to revisit this

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1 because I don't remember exactly the nature of the conversation
2 and what the transcript reflects in terms of our discussion,
3 but I know my concern was that I wasn't sure what was according
4 to the enemy media.

5 MR. YALOWITZ: Right.

6 THE COURT: What is it that you claim is according to
7 the enemy media?

8 MR. YALOWITZ: My version is blacked out, but it says
9 something like: She executed a heroic suicide operation in
10 occupied West Jerusalem against the Zionists or -- I don't
11 remember exactly.

12 THE COURT: I know, but is it your position that the
13 entire first sentence is according to the enemy media? Because
14 I know that was my question and concern in the beginning.

15 MR. YALOWITZ: I think that, frankly, the way I read
16 that sentence is that Israeli newspapers and television
17 reported that someone committed a suicide attack on Jaffa
18 Street, and this is the defendant's characterization of it.
19 There is nobody in Israeli media that would report an event
20 like that in this way, but, I mean, I don't think it is that
21 important, and we redacted it.

22 THE COURT: Well, it is important. If it wasn't
23 important, you wouldn't be asking for it.

24 MR. YALOWITZ: We redacted it.

25 THE COURT: It says, "according to the enemy media."

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1 MR. YALOWITZ: Right and that covers the first
2 sentence.

3 THE COURT: But the first sentence says: "During the
4 execution of a martyrdom operation in occupied Jerusalem, Wafa
5 Idris blew herself up in a crowd of Zionists that resulted in
6 killing one and injuring more than 100 in addition to her
7 immediate death."

8 You say that entire statement is according to the
9 enemy media?

10 MR. YALOWITZ: I don't think it is, but that was the
11 defendant's position and your Honor accepted it, and I'm
12 prepared to move on. It is redacted --

13 THE COURT: Well, it's not redacted. That's the
14 problem.

15 MR. YALOWITZ: It is redacted.

16 THE COURT: Well, the first sentence --

17 MR. YALOWITZ: The first sentence is redacted. I
18 don't know what Brian Hill handed you, Judge, but look at mine.

19 THE COURT: Why don't you show me because you said the
20 letters as they said it accurately depicts the redaction.

21 MR. YALOWITZ: I don't know what he handed you.

22 THE COURT: Well, you didn't redact "according to the
23 enemy media."

24 MR. YALOWITZ: I can take that out.

25 THE COURT: That is the first thing. The reality is,

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1 I don't have -- there are two things I don't have. This was my
2 ruling and I think the rationale from my ruling and to the
3 extent that I am more informed about where we are in this case
4 and what the evidence is, this is my position: Quite frankly,
5 at this point I don't have any problem if you want that
6 sentence. You either redact the whole sentence or you can have
7 the part that says, "Wafa Idris blew herself up in a crowd that
8 resulted in killing one and injuring more than 100 in addition
9 to her immediate death." I don't have any problems with that.
10 That is consistent with the evidence in this case.

11 But the part that they have a legitimate issue about
12 is who characterized this as a martyrdom operation, and I
13 didn't like the inflammatory phrase "enemy media," which seems
14 to be important to you now, but I am not going to change my
15 position on this. The last sentence is not the part that you
16 said you wanted.

17 MR. YALOWITZ: No. No --

18 THE COURT: No, it was not. I have your --

19 MR. YALOWITZ: It's in the next box, your Honor.

20 THE COURT: All right. Fine. Then you're absolutely
21 right. But I ruled that it was out. That is my note. Now if
22 you tell me I ruled that it was in, then you appropriately
23 redacted it. But if I ruled it is out, it is out. I already
24 ruled it is out.

25 MR. YALOWITZ: Here is what happened with that because

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1 I remember it -- look, I remember it, and I'll tell you what
2 happened and then I'll --

3 THE COURT: Did I rule it was out?

4 MR. YALOWITZ: No. Let me tell you what happened and
5 then I will go with whatever you want to do. I don't feel
6 strongly about it, but I want to explain what happened.

7 THE COURT: If you want to show me the transcript
8 that's what happened --

9 MR. YALOWITZ: I don't have the transcript, but I
10 remember it live in my mind.

11 MR. HILL: We have the transcript, your Honor.

12 MR. YALOWITZ: God, I wish I wouldn't get interrupted
13 by these guys.

14 Here is what happened: There are quotes in the
15 defendant's piece of the box, and based on those quotes and
16 your Honor's notes, you said, "I think this is out because it's
17 hearsay, and I'm going to keep it out." I remember that.

18 And then afterwards, you said, "I want to go back and
19 look at the document. I want to look at the actual document
20 and then make a judgment."

21 My memory is you then issued a written order, and our
22 understanding of the order -- we may have misunderstood it and
23 if we did, I just want to go with what you say right now
24 because I don't care that much. But our understanding of the
25 order was to take out the part about, you know, the substance

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1 of what the enemy media was saying because that was hearsay, as
2 your Honor said -- I don't agree that was hearsay, but I don't
3 care that much -- and that we didn't have to take out the part
4 about Al-Aqsa Martyr Brigades and the armed wing of Fatah
5 because that's a conclusion the defendants have drawn, and that
6 the operation was claimed by al-aqsa -- apparently I'm better
7 informed than I was a minute ago. There is other evidence in
8 the case that that operation, which is a very notorious
9 operation, was claimed by Al-Aqsa Martyr Brigade, but I don't
10 have a direct like fax or something. I have other sources that
11 say al-aqsa claimed it.

12 THE COURT: Is there going to be evidence in this case
13 that al-aqsa claimed it?

14 MR. YALOWITZ: Yes.

15 THE COURT: What is that evidence going to be?

16 MR. YALOWITZ: The witness is going to testify about
17 it.

18 THE COURT: What kind of a witness?

19 MR. YALOWITZ: The witness on the stand, the expert
20 witness.

21 THE COURT: How does he know?

22 MR. YALOWITZ: Because he's done research. He's
23 reviewed the files.

24 THE COURT: What file did he review?

25 MR. YALOWITZ: He reviewed this file.

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1 THE COURT: I know, but, see that's the thing, I'm not
2 going to go through that. You can't do this in a circular
3 matter. You can't say if it's inadmissible in this document
4 that I'm going to let him testify and the only source of his
5 information is this document. That's not the way it works.

6 MR. YALOWITZ: No, Human Rights Watch issued --

7 THE COURT: That's what I'm saying, what is the source
8 of the information?

9 MR. YALOWITZ: Human Rights Watch issued a report
10 saying al-aqsa claimed this and Amnesty International issued a
11 report saying al-aqsa claimed this.

12 THE COURT: Do you intend to offer that evidence here?

13 MR. YALOWITZ: No, because those are NGO reports,
14 those are not government reports. So we have a series of
15 reports that an expert can rely on -- experts can rely on
16 hearsay.

17 THE COURT: This is not an expert opinion. This is a
18 fact. OK? I want to know who is trying to prove the fact.
19 The expert witness can't prove the fact by simply saying "I
20 heard it," OK? I am trying to understand where the facts come
21 in. Who is going to put this in in this case?

22 MR. YALOWITZ: The best evidence I have that this
23 operation was claimed by the Al-Aqsa Martyr Brigade is in your
24 hand. That is an admission by the defendant.

25 THE COURT: Say it again.

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1 MR. YALOWITZ: This is the defendant's document.

2 THE COURT: What statement?

3 MR. YALOWITZ: The statement that says --

4 THE COURT: This statement?

5 MR. YALOWITZ: The operation was claimed by the
6 Al-Aqsa Martyr Brigade. That's an admission by the defendant.
7 That's an admission.

8 THE COURT: An admission of what?

9 MR. YALOWITZ: An admission that the operation was
10 claimed by the Al-Aqsa Martyr Brigade.

11 THE COURT: That's not an admission.

12 MR. YALOWITZ: Sure it is.

13 THE COURT: They're not admitting anything. That is a
14 comment upon somebody -- that's why I say, I don't know -- the
15 problem I have always had with this, I don't know what the
16 source of that information is supposed to be. Are you saying
17 they got it the same place your expert got it?

18 MR. YALOWITZ: No.

19 THE COURT: They had some secret knowledge?

20 MR. YALOWITZ: They might --

21 THE COURT: Do you have some other indication that
22 publicly they made such an announcement? What is supposed to
23 be referenced?

24 MR. YALOWITZ: So I don't know --

25 THE COURT: Well, that's the problem.

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1 MR. YALOWITZ: OK, look, I don't know and I don't
2 think I need to know because in order to decide whether to give
3 this woman's family money, they did an analysis -- the
4 defendant in their usual course of business did an analysis,
5 they gathered information, they wrote down the information that
6 they gathered, they put it in a document that they keep in the
7 usual course of business, and based on the information that
8 they gathered and they wrote down, they made a decision. So
9 that is my position on that.

10 There are other things I want to raise and deal with,
11 so we will be guided by you on this. I think we are right
12 about it, and I think it is meaningful. I know there was some
13 confusion. I think the confusion was caused by the way the
14 defendants put their chart together.

15 THE COURT: My recollection and my more informed
16 judgment at this point is I am willing to give -- as I say, you
17 don't have to redact all of the first sentence. If you want to
18 redact the first sentence, you can. You should. But I don't
19 have any problems with the portion of the first sentence that
20 says: "Wafa Ali Khalil Idris blew herself up in a crowd that
21 resulted in killing one and injuring more than 100 in addition
22 to her immediate death." That evidence is in this case. That
23 is not in dispute, and I don't see any prejudice to the
24 defendant by leaving that portion in if you want that portion
25 in. That is more than what I gave you initially.

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1 MR. YALOWITZ: I agree with that.

2 THE COURT: Now, I still have some problems about the
3 second sentence because it's only significant -- it's
4 significant in two ways or it can only be significant in one of
5 two ways: One, that you want to imply that they had some
6 special knowledge about Al-Aqsa Martyr Brigade being
7 responsible for this.

8 MR. YALOWITZ: I don't think that is a fair inference
9 from this document.

10 THE COURT: I don't either. So I am concerned about
11 that.

12 MR. YALOWITZ: I am not going to suggest that.

13 THE COURT: So that is my first concern.

14 My second concern is that the only other basis that
15 you are offering it is to show that in fact the Al-Aqsa Martyr
16 Brigade took responsibility for this. Now that is not an
17 admission by the defendant. That is an admission by Al-Aqsa
18 Martyr Brigade. OK?

19 If you want to tie them into the defendants, that's
20 another link, but that's not the defendant's admission. So
21 that means what you are saying is the same way everybody else
22 knew, that's how they knew, but you have no evidence.

23 MR. YALOWITZ: Right --

24 THE COURT: That's why I said, if they took
25 responsibility, there should be some evidence out there that

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1 they publicly took responsibility so they made that claim so
2 that not only the PA knew about it, but everybody else knew
3 about it. You say in every report it says that they took
4 responsibility for this. That's the evidence of that.

5 MR. YALOWITZ: Look, I don't want to belabor this, I
6 really don't.

7 THE COURT: OK.

8 MR. YALOWITZ: But I thought that's what we see in
9 terror cases all the time. I mean, you can't get records from
10 the Al-Aqsa Martyr Brigade.

11 THE COURT: No, but you can. Almost every single
12 terrorist attack where some organization takes public
13 responsibility for it, it is real easy to find someplace where
14 they've taken public responsibility. They usually show up on
15 Al Jazeera or some place, and there's a guy on the tape saying,
16 "We did it and we're proud of it." That's taking
17 responsibility.

18 MR. YALOWITZ: We have that with the January 22
19 attack.

20 THE COURT: Exactly. So I am trying to figure out the
21 source of your information. Everybody is assuming because
22 you're saying they took public responsibility for this, and I
23 don't have any problem if that is the case, but I think there
24 is too much of a danger that the jury is going to imply what
25 you just said you're not offering it for; that somehow they're

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1 saying that they know that it's the Al-Aqsa Brigade.

2 MR. YALOWITZ: Let's take that out then because there
3 are other things -- that's your ruling. Let's accept it and
4 move on.

5 THE COURT: Sure. I may not have ultimately resolved
6 it at the time because there were a lot of issues still pending
7 out of context, but clearly in my note I have an "out" written
8 next to it.

9 MR. YALOWITZ: I remember because we talked about it.
10 OK. Let's move on.

11 THE COURT: What else do we need to deal with for this
12 witness to address?

13 MR. YALOWITZ: The video that we just talked about of
14 the January 22 shooter. So the January 22 shooter, Said
15 Ramadan.

16 THE COURT: Which exhibit is that?

17 MR. YALOWITZ: 196, clip 6.

18 THE COURT: That's 196. I haven't had an opportunity.
19 I don't think I have the clip yet.

20 MR. HILL: Your Honor, it's 18 seconds long. We can
21 play it right now if you'd like.

22 THE COURT: Give me in essence what you want.

23 MR. YALOWITZ: It's the shooter. He's got a bandanna
24 on that says Al-Aqsa Martyr Brigade.

25 THE COURT: Who?

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1 MR. YALOWITZ: The shooter in the January 22 attack.
2 He is holding his M-16 or an M-16. He's in front of a banner
3 that says Al-Aqsa Martyr Brigade. Guys in this case, employees
4 of the defendant were convicted for shooting the video, and the
5 video was released at or around the time of the shooting.

6 THE COURT: Let me try to be more specific. I assume
7 you mean several days after the shooting. Is that what you
8 mean or do you mean some other time?

9 MR. YALOWITZ: Within days of the shooting.

10 THE COURT: Well, after the shooting or before the
11 shooting? I assume after the shooting.

12 MR. YALOWITZ: Yes, after. I assume after.

13 THE COURT: So a few days after the shooting. And you
14 want it to demonstrate what?

15 MR. YALOWITZ: That Al-Aqsa Martyr Brigade is taking
16 credit.

17 THE COURT: Who is going to be able to establish that?
18 Do you have a witness who knows this?

19 MR. YALOWITZ: Our expert, Israel Shrenzel, studied
20 the terrorist structure for many years.

21 THE COURT: I know, but that doesn't tell me he knows
22 what this is. How does he know what this is?

23 MR. YALOWITZ: Because he checked it and looked at it
24 and confirmed that it is what it purports to be.

25 THE COURT: He knows who the people are in the video?

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1 He has some testimony to give about when the video was released
2 or is there some other --

3 MR. YALOWITZ: The video even has on it the date. I
4 just don't remember.

5 THE COURT: Play that video for me.

6 (Video played)

7 MR. YALOWITZ: I don't know why -- is that ours? Are
8 we going to black that out?

9 THE COURT: Are you going to play the sound or any
10 subtitles?

11 MR. YALOWITZ: We're going to play it silently.

12 THE COURT: So the words don't matter to you.

13 MR. YALOWITZ: The words don't matter to us. The
14 words matter to the witness. They are in Arabic.

15 THE COURT: That's what I'm saying.

16 MR. YALOWITZ: The words don't matter to the jury.
17 The words are from a newscast saying -- I don't know what they
18 say, but, in essence, here is the video of the guy claiming
19 credit or something like that.

20 THE COURT: As I say, these were the kind of questions
21 I was asking before: This is something that was publicly
22 released days after the event in which this person was taking
23 credit for --

24 MR. YALOWITZ: I think days may be an overstatement.
25 I think it's like immediately after.

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1 THE COURT: You mean within hours.

2 MR. YALOWITZ: Yeah, within hours. I don't think they
3 wait days because they want to get it on the news.

4 THE COURT: Who was this person?

5 MR. YALOWITZ: That's the shooter. That's the suicide
6 shooter.

7 THE COURT: Who?

8 MR. YALOWITZ: Said Ramadan.

9 THE COURT: Do we have his conviction already in
10 evidence?

11 MR. YALOWITZ: He died committing his crime.

12 THE COURT: All right.

13 MR. YALOWITZ: We have some photographs of him after
14 the event which your Honor has seen and has excluded under 403.
15 I think you probably remember him. It was a police report.

16 THE COURT: Yes, it was body part.

17 MR. HILL: So the record is clear, our objection is
18 that this witness, who I assume has never met Said Ramadan,
19 does not have personal knowledge to testify that the person
20 depicted in the video is in fact Said Ramadan, and that
21 knowledge could only come from the hearsay itself -- from the
22 video itself identifying that person as Said Ramadan.

23 THE COURT: I am going to give you an opportunity to
24 lay the proper foundation.

25 MR. YALOWITZ: Good.

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1 THE COURT: If you lay what I consider to be the
2 proper foundation, I will admit that video into evidence.

3 MR. YALOWITZ: That's great.

4 The second video we need to talk about is the funeral
5 of Wafa Idris. This is the lady we were talking about in
6 Exhibit 17. We have some video. They have a symbolic funeral.

7 Ms. Machnes, who knows the facts so well, said to me
8 the date of that broadcast of Ramadan is the 23rd of January,
9 so it's the day after.

10 But coming back to Wafa Idris. They had a symbolic
11 funeral for her, and Marwan Barghouti is marching at the
12 funeral, and he makes a statement which the defendants have
13 quoted in their letter saying, our tactics are going to
14 continue and stuff like that.

15 THE COURT: How long is this video?

16 MR. YALOWITZ: It's also real short.

17 THE COURT: Let me see it.

18 MR. HILL: 32 seconds, your Honor.

19 THE COURT: How many?

20 MR. HILL: 32 seconds.

21 THE COURT: Which one is this Exhibit?

22 MR. HILL: 196, clip 3.

23 THE COURT: Both of these are 196?

24 MR. YALOWITZ: Yes, but we broke them out.

25 THE COURT: All right. Let me see it.

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(Video played)

THE COURT: The nature of the objection is the same or different?

MR. ROCHON: Your Honor, the objection is what is the relevance? He doesn't say he endorses this act. He's marching and talking about the political situation. So the relevance of his discussion of the political situation and the fact it happens to be at this woman's funeral -- we'll take the representation that this is the funeral of Wafa Idris and not contest it. The question is, so he's marching there, and if you look at the words he says, it doesn't say a word about Wafa Idris. It doesn't say a word about terrorist.

THE COURT: Where is the language? The first statement he makes, he says that this is --

MR. ROCHON: If we play it, he discusses --

THE COURT: You quoted the language in your letter.

MR. ROCHON: I think it's on page 2.

THE COURT: Page 2.

MR. ROCHON: Yes, sir, at the top it says, "In my opinion" --

THE COURT: Right.

MR. ROCHON: -- "the Fatah movement has not changed its strategy."

THE COURT: Right.

MR. ROCHON: "This is a clear strategy based primarily

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1 on continuation of the struggle against the Israeli
2 occupation."

3 I won't read the whole thing.

4 THE COURT: But he is saying that her blowing herself
5 up in a terrorist attack is a clear strategy against the
6 occupation.

7 MR. ROCHON: I don't think it does say that, your
8 Honor.

9 THE COURT: You don't think that's a reasonable
10 interpretation? What do you think he's talking about if he's
11 walking in the funeral saying, "In my opinion, the Fatah
12 movement has not changed its strategy. This is a clear
13 strategy based primarily on continuation of the struggle
14 against the Israeli occupation."

15 What "this" do you think he's referring to?

16 MR. ROCHON: The strategy of Fatah.

17 THE COURT: No. He's talking about something that
18 happened is reflective of the strategy.

19 MR. ROCHON: No --

20 THE COURT: There is no other reasonable reading of
21 "this" other than to say "this" act, "this" terrorist act.

22 MR. ROCHON: No. I think he is saying, "This strategy
23 is a clear strategy based primarily on continuation of the
24 struggle against Israeli occupation."

25 THE COURT: What is a clear strategy?

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1 MR. ROCHON: The Fatah strategy.

2 THE COURT: What is the strategy? He's saying that
3 the bombing is the strategy.

4 MR. ROCHON: No, sir.

5 THE COURT: What are you saying he's saying is the
6 strategy?

7 MR. ROCHON: Let me back up. He is a political
8 leader. He is not a PA person. He not a PLO person. He's an
9 elected official. He is in the legislative council, and he is
10 in Fatah. So, he is, first of all, not our guy.

11 THE COURT: You can argue that.

12 MR. ROCHON: Having lost that, however, now he's a
13 politician at a funeral being approached by a cameraman. We
14 don't have the question.

15 THE COURT: Right.

16 MR. ROCHON: We don't know what he was asked.

17 THE COURT: OK.

18 MR. ROCHON: And for you to conclude that he is
19 endorsing the suicide bombing as opposed to comments in
20 general--

21 THE COURT: Do you know what the question is that he
22 was asked?

23 MR. ROCHON: Beg pardon?

24 THE COURT: Do you know what the question is that was
25 asked?

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1 MR. ROCHON: I'm not fluent in Arabic. I don't know
2 what he says.

3 THE COURT: You have the rest of the clip. Has it
4 been translated?

5 MR. ROCHON: No.

6 THE COURT: You don't have the rest of it? That is
7 what I'm asking.

8 MR. ROCHON: This is some clip that the guy Marcus was
9 going to use.

10 MR. YALOWITZ: That is not correct, your Honor.

11 MR. ROCHON: I'm sorry if I'm wrong.

12 THE COURT: What is it?

13 MR. YALOWITZ: Exhibit 196 was admitted in evidence in
14 the Marwan Barghouti criminal trial in Israel.

15 THE COURT: OK.

16 MR. YALOWITZ: It was obtained for use in this country
17 in another case against these defendants by hand request.

18 THE COURT: Do you have a full clip?

19 MR. YALOWITZ: I have what's there. I have what we
20 got from the military --

21 THE COURT: Did you get any more than this?

22 MR. YALOWITZ: That's what we got.

23 THE COURT: Do you know what the question was?

24 MR. YALOWITZ: I do not. I do not. But if that was
25 something the defendants wanted to develop, they had a lot of

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1 time to develop it, because --

2 THE COURT: Develop it with whom?

3 MR. YALOWITZ: With the source of the clip.

4 THE COURT: Who was what?

5 MR. YALOWITZ: It says what television station it is,
6 and they've had this clip for years.

7 THE COURT: Was this the subject of some deposition?

8 MR. YALOWITZ: This was submitted in evidence in the
9 Israeli court.

10 THE COURT: No, was it the subject of some
11 examination, a deposition of some witness in this case?

12 MR. YALOWITZ: No.

13 THE COURT: Not Marcus or anybody else?

14 MR. YALOWITZ: No, not that I can recall.

15 THE COURT: You originally intended to offer it with
16 Marcus.

17 MR. YALOWITZ: No, I don't think that's true. It's
18 not collected by Marcus.

19 THE COURT: Did you intend to offer it through this
20 witness?

21 MR. YALOWITZ: With Shrenzel, right.

22 THE COURT: And he is going to lay a foundation
23 describing it as what?

24 MR. YALOWITZ: As a video interview of Marwan
25 Barghouti at the symbolic funeral of Wafa Idris -- it's a

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1 statement by Marwan Barghouti.

2 MR. ROCHON: Your Honor, this was not part of any
3 deposition of this witness because it's not in his report.

4 In our view an interview includes two things: A
5 question and an answer. So this is not an interview. But it
6 obviously appears to be in response to something and,
7 therefore, is easily taken out of context, as I believe it is,
8 in the effort to get it into evidence.

9 THE COURT: There was some other of Barghouti's
10 statements that you were trying to offer. What were they? I'm
11 going to give you some and not give you others is the bottom
12 line.

13 MR. YALOWITZ: The other Barghouti statements weren't
14 linked tightly to these attacks.

15 THE COURT: Which other statements do you want?

16 MR. YALOWITZ: I don't remember the exact ones. I
17 remember there was a one where he was making a speech at the
18 beginning of the Intifada saying -- whipping up the crowd and
19 people were firing guns in the air. I'm sure you remember
20 that.

21 THE COURT: But we've been past that.

22 MR. YALOWITZ: Right. And you said it was out.

23 THE COURT: I thought there was something else about
24 this witness that they didn't want in.

25 MR. YALOWITZ: There is a video that ran repeatedly on

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1 PA TV glorifying Wafa Idris. It's like a song saying Wafa --

2 THE COURT: What does he have to do with this?

3 MR. YALOWITZ: Nothing. This is the only Marwan
4 Barghouti statement left that we're offering as far as I can
5 tell.

6 THE COURT: All right.

7 MR. YALOWITZ: I think so far we have not had any
8 Marwan Barghouti video coming into evidence.

9 MR. ROCHON: Your Honor, may I correct a misstatement
10 that I made?

11 THE COURT: Yes.

12 MR. ROCHON: The witness did reference it in his
13 report. I apologize for getting that wrong. I guess the page
14 doesn't matter to the Court. He referenced it. It still
15 doesn't make it admissible for the reasons we stated, but I
16 didn't want to misstate that.

17 THE COURT: Correct me if I'm wrong, I thought the
18 main dispute with regard to Marwan Barghouti was not what his
19 views were but whether or not he was either an employee or
20 acting on behalf of the PA or the PLO.

21 MR. ROCHON: I think there's two aspects of
22 Mr. Barghouti. So he's convicted of terror crimes, but none of
23 ours.

24 THE COURT: Right.

25 MR. ROCHON: And so tying him to these is, of course,

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1 great concern to us because otherwise he's not this case.

2 I could tell the Court, I didn't develop -- he was
3 actually acquitted of one of the incidents in this case. I
4 didn't use that on cross for tactical reasons. So he's never
5 convicted of any of these. Charged with one and acquitted of
6 it.

7 The statements he made as a political person are -- he
8 is a political person and according to the convictions, also
9 convicted of terror activity by the Israelis.

10 THE COURT: Right.

11 MR. ROCHON: So he's both. And some of these
12 statements are clearly political statements.

13 THE COURT: I don't know how you can separate the two.

14 MR. ROCHON: I think we have to.

15 THE COURT: Anybody would say all of the statements
16 even by other terrorists are political statements.

17 MR. ROCHON: Yes, but the Court has been careful to
18 make sure that when third-party statements are put into
19 evidence that they tie to the actual incidents on trial or to
20 something specific. That's not this, given the context of some
21 public -- this guy is a politician.

22 THE COURT: I know, but, unfortunately, I think it is
23 a close one for me, but I am going to give them this one, and
24 you can argue those issues. It does tie him to this because
25 he's at her funeral. If it was a different funeral -- I don't

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1 think that's a lot, but I can't he is not tied to her and her
2 terrorist attack because he could have decided to say it at a
3 different funeral or he could have decided to stay away from
4 this funeral, so whatever they want to argue this is supposed
5 to represent in terms of his affinity, support --

6 MR. ROCHON: If they wanted to put in "Marwan
7 Barghouti was at her funeral," that would be one thing, run it
8 without the subtitles. What they want are the statements to
9 create an impression that is not supported by the tape that he
10 is speaking directly to the tactic of suicide bombings. That
11 is not justifiable by the excerpt. If they want to put it into
12 evidence without the words that he was at the funeral, that's
13 different.

14 THE COURT: I understand. Let's move on. I think
15 that that is an assessment for the jury to make. Whether or
16 not it is reasonable in light of all the other evidence to draw
17 that conclusion, both sides can argue what they will; that
18 given the other evidence, this represents consistent with that
19 his position or doesn't do anything other than represent a
20 politician who decides to show up at a funeral. So I'm going
21 to allow it in.

22 All of these other clips from -- I don't know if I'm
23 going to address those now, but the clips about the song and
24 that sort of thing, I don't think I'm going to allow that. I
25 have to look at the clips. I don't know if you're going to

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1 address that.

2 MR. YALOWITZ: I don't know if we're going to get to
3 that before the next break.

4 THE COURT: Let me look at it.

5 MR. YALOWITZ: I can make sure we don't, your Honor,
6 because I don't want to rush you on this.

7 THE COURT: One more just quickly, and then I will
8 bring the jury in if you have something else.

9 MR. YALOWITZ: I have one thing, and then I want to
10 put a marker down on another thing that we don't need to
11 address now, but I do need you to focus on.

12 THE COURT: Sure.

13 MR. YALOWITZ: The thing I want to put a marker down
14 on is I went back after we broke, I looked at your rulings on
15 the police magazines, I want to send you a letter about five of
16 them.

17 THE COURT: OK. We can discuss it further.

18 MR. YALOWITZ: The other thing --

19 THE COURT: You want to tell me which ones?

20 MR. YALOWITZ: 201 is the main one, and ones like it.

21 THE COURT: Well, address that.

22 MR. YALOWITZ: If you look at 201, it has to do with
23 direct incitement to killing.

24 THE COURT: OK.

25 MR. YALOWITZ: Direct incitement to killing.

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1 THE COURT: Is it something you quoted in your letter
2 or some additional --

3 MR. YALOWITZ: No. No. In the letter.

4 THE COURT: You quoted in the letter for most of them
5 a certain portion that you say were the relevant portion.

6 MR. YALOWITZ: Correct.

7 THE COURT: I primarily relied on those in making my
8 judgment.

9 MR. YALOWITZ: That's good.

10 THE COURT: It's already cited in the letter.

11 MR. YALOWITZ: It is. It is.

12 THE COURT: Go ahead.

13 MR. YALOWITZ: But I want to send you a letter on it
14 tonight.

15 THE COURT: You don't need to address it today?

16 MR. YALOWITZ: I don't think we need to, but I want
17 you to know I care about it.

18 THE COURT: OK.

19 MR. YALOWITZ: Now, the other thing is, I think the
20 defendants have a problem with my redactions of 467.

21 THE COURT: Yes, 465 through 467. That's where I was
22 going to go next. Quickly tell me, what is the redaction
23 that's missing? I wasn't quite sure, and I will tell you very
24 quickly whether or not I need to read that.

25 MR. SATIN: Thank you, your Honor.

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1 THE COURT: What exhibit are restarting on.

2 MR. SATIN: We start with 467.

3 THE COURT: What about 465?

4 MR. SATIN: That one too. I thought you asked me to
5 start with one. I thought that was the question asked of me.

6 THE COURT: That was the question you asked me. I
7 thought you would start at the beginning rather than the end.
8 So 467.

9 MR. SATIN: For what it's worth, 467 happened
10 chronologically before 465.

11 THE COURT: So 467, what page and what words did you
12 say should have been redacted?

13 MR. SATIN: Let me just --

14 THE COURT: I don't need an intro.

15 MR. SATIN: First of all, midway through the page.

16 THE COURT: Where? Which page?

17 MR. SATIN: The first page. The first redaction says
18 "person A." Then right after, it says, "working for the
19 military intelligence."

20 THE COURT: OK.

21 MR. SATIN: That should come out. That is the same
22 issue we argued about with President Obama, the President of
23 the United States.

24 THE COURT: Anything else on that page?

25 MR. SATIN: Well, I think nothing on that page from

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1 what I gather is actually self-incriminatory to actually
2 declare --

3 THE COURT: You have to be more specific because
4 you're not going to win that argument. Give me something
5 specific that you object to. Is there any other redaction?

6 MR. SATIN: Yes. It talks about the declarant being
7 registered with the Palestinian Authority -- worked without
8 being registered at the Palestinian Authority. There are
9 numerous to Palestinian Authority on that first page and his
10 association with or without -- to or not to the Palestinian
11 Authority, none of that is self-incriminatory.

12 THE COURT: Anything else on this exhibit?

13 MR. SATIN: On the exhibit itself?

14 THE COURT: Yes, on the next couple of pages. There
15 are four pages to this exhibit.

16 MR. SATIN: Part of the difficulty for me, your Honor,
17 is that 95 percent of it is not self-incriminatory with respect
18 to the declarant.

19 THE COURT: That is not the discussion we are going to
20 have today. You have to give me a word you say I should take
21 out. If you don't have a word that goes beyond your general
22 objection to the document, then I am going to address this
23 redaction and then we're moving on. So if you don't tell me
24 specifically some other thing that falls into that specific
25 category, then let's just move on.

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1 MR. SATIN: OK. The Court's indulgence one moment
2 then.

3 THE COURT: While you are looking at that,
4 Mr. Yalowitz, my position --

5 MR. YALOWITZ: What's your view on military
6 intelligence?

7 THE COURT: My view is you should take out the words
8 "military intelligence."

9 MR. YALOWITZ: If that's all we take out of this
10 document, we don't need further discussion.

11 THE COURT: The only thing neither one raised, I was
12 concerned about the mobile phone number. We have no concern
13 about that at this point putting that mobile phone number,
14 listing it in this document publicly?

15 MR. YALOWITZ: I can assure the Court, I'm not going
16 to do a reverse lookup and try to argue that's the number of
17 some guy.

18 THE COURT: I don't know whose number that is. I
19 don't know who uses that number now.

20 MR. YALOWITZ: Should we try it and see?

21 MR. ROCHON: In the interest of caution, we should
22 take it out.

23 THE COURT: That's why I raised it. If that doesn't
24 have any utility for you --

25 MR. YALOWITZ: It doesn't.

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1 THE COURT: -- then let's be cautious and take it out.
2 I don't want somebody calling someone who is a little old lady
3 who now has the number in Tel Aviv someplace being called
4 because they say she's a terrorist.

5 MR. YALOWITZ: If we take out "military intelligence"
6 and the phone numbers, you don't need to hear from me on this
7 document.

8 MR. SATIN: Your Honor, just to be clear, on the first
9 page there's a lot of references to the Palestinian Authority.

10 THE COURT: I think those are appropriate references.
11 They're not accusing the Palestinian Authority of committing
12 any criminal act.

13 MR. SATIN: Let me show why I think that is not true.
14 For one thing, there is a reference on line 27: "Cared for
15 people over the Palestinian Authority who had shot at IDF
16 soldiers in @Atira."

17 There's a reference to Palestinian Authority doing
18 criminal activity. "My hand was blood-stained because I cared
19 for people of the Palestinian Authority."

20 THE COURT: I understand.

21 MR. SATIN: It's not clear who they're referencing,
22 but I think the suggestion is it was Palestinian Authority
23 people who were shooting at the IDF.

24 THE COURT: I understand your argument. I considered
25 that and I'm not going to take it out.

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1 MR. SATIN: Here is the other problem. If we go above
2 the "military intelligence" line where it says, "I would meet
3 her supervisor at Palestinian Authority. I agreed I would say
4 I would work only with her and would not be registered at the
5 Palestinian Authority." Then there is a reference to "person
6 A." People are going to assume that person A works for
7 Palestinian Authority because that's the person that the
8 introduction is to.

9 THE COURT: Right.

10 MR. SATIN: In the same vein that they should know
11 that person worked for military intelligence, they should not
12 know that person worked for Palestinian Authority.

13 THE COURT: Mr. Yalowitz?

14 MR. YALOWITZ: I think he is just getting -- I think
15 he is reaching and speculating here. I think that the fact he
16 says, "My hand was blood-stained because I cared for people in
17 the Palestinian Authority," that could be anybody.

18 And the same with "I wouldn't be registered at the
19 Palestinian Authority." Who knows what that means?

20 To me the issue is, this is a guy who is under
21 suspicion and ultimately pleads guilty to passing intelligence
22 information inappropriately. He is convicted of that crime
23 Count Six, and this is his self-inculpatory statement that was
24 the basis for his conviction. I think that comes in.

25 THE COURT: The redactions as I indicated, those

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1 redactions should be made. That's it on this document.

2 Give me another document.

3 MR. SATIN: We are on document number 465.

4 THE COURT: All right.

5 MR. SATIN: If we go to the second page, there's a
6 reference again "a source for military intelligence and
7 introduced me to person A." Again, now it's likening person A
8 to a member of military intelligence.

9 MR. YALOWITZ: I'm sorry, I just lost it, Mr. Satin.

10 MR. SATIN: Page 2 of document 465, line 6.

11 MR. YALOWITZ: Thank you. I apologize.

12 THE COURT: Take out the words "military
13 intelligence."

14 MR. YALOWITZ: Yes, sir.

15 THE COURT: Anything else?

16 MR. YALOWITZ: I'm sorry. What was the Court's ruling
17 on this one?

18 THE COURT: Take out the words "military
19 intelligence."

20 MR. YALOWITZ: Got it.

21 MR. SATIN: If we go to page 4, another reference to
22 military intelligence in line 18.

23 THE COURT: Line 18.

24 MR. SATIN: Halfway between 18 and 19, it's not clear
25 which line it is --

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1 THE COURT: Is this the same reference to the arrest?
2 I keep getting them confused.

3 MR. YALOWITZ: This is a different. That was the
4 Abdullah Barghouti.

5 THE COURT: Right.

6 MR. YALOWITZ: This is a different revolving door
7 arrest.

8 THE COURT: Where are you? I see it. The "preventive
9 intelligence"?

10 MR. SATIN: Right.

11 THE COURT: I do have that highlighted. Why don't you
12 take that out?

13 MR. YALOWITZ: Just tell me which words, Judge.

14 THE COURT: Where it says "answer."

15 MR. YALOWITZ: Yes.

16 THE COURT: "Preventive intelligence" in that first
17 line.

18 MR. YALOWITZ: Just the words "preventive
19 intelligence"?

20 THE COURT: Yes.

21 MR. SATIN: In the second line, "preventive
22 intelligence." In the third line, "military intelligence."

23 THE COURT: I don't feel strongly about this one.
24 It's basically they showed up to arrest him. Quite frankly,
25 I'm not sure why you want to take that out consistent with your

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1 argument that they arrested a terrorist. So, you want me to
2 take it out, they're going to assume somebody else arrested
3 him, the Israeli authorities rather than the preventive
4 intelligence, but I don't know why -- as I say, you may have a
5 ground, but I don't know your reason for it. If you want it
6 out, I'll take it out, and we'll assume it wasn't preventive
7 intelligence who came to arrest him.

8 MR. SATIN: Very well.

9 THE COURT: You want it out?

10 MR. SATIN: Yes.

11 THE COURT: All right. Those two references to
12 preventive intelligence are taken out.

13 Up top in line 7 is also a phone number. I don't know
14 whose phone number that is. My suggestion in excess of
15 caution, take it out.

16 MR. SATIN: Come back to where we were on line 16, 17,
17 18. I know the Court referenced "preventive intelligence."
18 Also below that, line 18, "military intelligence."

19 THE COURT: Do you have a position one way or another
20 on this?

21 MR. YALOWITZ: I don't really.

22 THE COURT: Tell me what your position is because you
23 are probably going to sway me one way or the other.

24 MR. YALOWITZ: I think it should stay in.

25 THE COURT: I'll keep it in. It just says, "The

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1 military intelligence had to arrest me." That's all it says.
2 I'm not even sure there is anything called the military
3 intelligence. The preventive intelligence I know they're
4 talking about a particular PA entity.

5 MR. SATIN: Here is the concern with that one, your
6 Honor. It's person A who is arguing about not arresting the
7 person. The concern is that they will infer from that that
8 person A must be a member of military intelligence to be making
9 that argument.

10 THE COURT: Whose military intelligence?

11 MR. SATIN: The Palestinian Authority's.

12 THE COURT: Is there such a thing called the military
13 intelligence? I thought it was the preventive intelligence.

14 MR. SATIN: They're different agencies.

15 THE COURT: There is an agency called military
16 intelligence, a separate agency?

17 MR. SATIN: Yes.

18 THE COURT: I don't understand what the prejudice is.

19 MR. SATIN: We spent a lot of time discussing whether
20 or not the jury would know the person who was redacted or
21 referred to as person A was a member of military intelligence.

22 THE COURT: I know, but was accused of being complicit
23 in a terrorist act. That's the primary goal here to protect.

24 MR. SATIN: This suggests person A is trying to work
25 some internal magic to keep this person --

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1 THE COURT: You already had such evidence with the
2 Barghoutis. That is not going to be a big surprise to the
3 jury.

4 MR. SATIN: This is a separate entity.

5 THE COURT: It know, but it is consistent with the
6 other evidence. I understand your position. I'm going to
7 leave military intelligence. I will give you the two
8 "preventive intelligence" out. Anything else?

9 MR. YALOWITZ: Not from me.

10 THE COURT: I want to just finish.

11 MR. HILL: Your Honor, there are other documents in
12 our letter.

13 THE COURT: I know, but anything else on these
14 redactions?

15 MR. HILL: Not on the redaction.

16 THE COURT: So we've dealt with the redaction. Is
17 there anything else we think we are going to get to with this
18 witness this morning that I should address?

19 MR. ROCHON: I have one very short thing on the Said
20 Ramadan video that we heard about. I don't know if the
21 coverage was in Hebrew or Arabic. I want to make sure as to
22 the witness we are not going to be describing what those words
23 are on the screen without us knowing in advance.

24 THE COURT: Are you going to have him interpret this?

25 MR. YALOWITZ: I think we've given him a translation.

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1 THE COURT: Are you going to have this witness
2 interpret this?

3 MR. ROCHON: They're otherwise blacked out.

4 THE COURT: I assume not. I assume if you wanted
5 those words to come before the jury, you would have had those
6 words up on the screen.

7 MR. YALOWITZ: We are planning to play it silently.

8 THE COURT: So it is not going to tell us what he
9 heard.

10 MR. YALOWITZ: No.

11 THE COURT: He's not going to tell us what the guy is
12 saying.

13 MR. YALOWITZ: No.

14 THE COURT: No, he's not. If he's going to tell us
15 what the guy is saying, you should have had an interpreter do
16 it and put the words up like everybody else.

17 MR. YALOWITZ: OK. The answer is no, he's not.

18 THE COURT: Then that issue is resolved. Let's get
19 the jury.

20 (Continued on next page)

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(Jury present)

THE COURT: Good morning, ladies and gentlemen. I'm not going to start making excuses for delaying you, but I am going to say to you we used an hour of your time, and I'm hopeful it will save us an entire day. Having used that time, I assure you it will save you time rather than just delaying the trial.

We will continue at this point.

Mr. Yalowitz?

MR. YALOWITZ: Thank you so much, your Honor.

ISRAEL SHRENZEL, resumed.

DIRECT EXAMINATION CONTINUED

BY MR. YALOWITZ:

Q. Mr. Shrenzel, I think when we broke off, you were talking about the team that you supervised in the preparation of your report. Am I remembering that right?

A. Yes, sir.

Q. Just remind me what you did in order to evaluate their work before you signed off on that written report?

A. Yes, I first went through the whole version of the initial draft. I revised parts of it. I added to it. And we had at least two meetings together, me and the people of our team to be sure that everything is OK. And, of course, I reiterate that the responsibility is mine and only mine.

(Continued on next page)

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Shrenzel - direct

1 BY MR. YALOWITZ:

2 Q. So just in terms of the actual preparation of the document,
3 did you sit like at a keyboard or --

4 A. A what?

5 Q. -- like a typewriter or something and do it yourself or did
6 you get a draft and then you checked it over? Which one did
7 you do?

8 A. OK. I was e-mailed a Hebrew draft and I worked on that
9 draft. I typed it and I worked at my desk revising it and, as
10 I said, also we had two meetings to discuss issues. I edit and
11 revised and I -- the final version to which I approved was sent
12 to English translation.

13 Q. OK. Great.

14 Now, could you just compare the work style you had
15 that you just described for this report and your work style
16 that you had back when you were at the Israel Security Agency
17 supervising that team there?

18 A. There were clear similarities between the two. Of course,
19 during my work in ISA --

20 Q. What is ISA?

21 A. Israel Security Agency.

22 -- we dealt with classified materials that do not
23 exist in my report. And basically what were the similarities I
24 can explain.

25 Also during my service, I assigned a group of people

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Shrenzel - direct

1 to prepare a certain subject. They gather the material. They
2 prepare the version, let's say, for an intelligence report.
3 And I supervised it and went through its content, editing,
4 revising, sometimes throwing it all together away, etc.

5 Q. That's great.

6 Now, these days, since you retired -- how long ago did
7 you retire from the ISA or that Israel Security Agency?

8 A. Already ten years.

9 Q. In recent years what have you been doing with yourself in
10 terms of academics?

11 A. I teach for the last nine years in Tel Aviv University in
12 the department of Arabic and Islamic studies as an adjunct
13 professor.

14 Q. As an adjunct professor?

15 A. Yes, sir.

16 Q. In addition to your teaching in the department of Islamic
17 studies, have you done any work as a professional in
18 translating?

19 A. Yes, sir.

20 Q. What kinds of things have you been involved with in that
21 capacity?

22 A. Yes. In the field of translation, I was part of a team
23 that issued a new Hebrew translation of the Koran.

24 Q. Of the Koran?

25 A. Koran, yes. The holy book for the Muslim faith.

F1M8SOK2

Shrenzel - direct

1 Q. Tell us about that project a little.

2 A. Well, it was headed by a professor in Tel Aviv University.
3 He was the chief translator. And my work was of editing the
4 Hebrew version, suggesting some changes, reductions.

5 Q. How did you feel about that work of translating the Islamic
6 holy book into the Hebrew language?

7 A. I am very proud of it because I think it is a contribution
8 of the coming together between two cultures, the Muslim and the
9 Jewish, and I believe that the Jewish people in Israel should
10 know more about their neighbors, about the faith, the Muslim
11 faith in general. So I think it was really a very positive
12 project.

13 Q. Have you also done some other work involving translating
14 from the Arabic language into the Hebrew language?

15 A. Not so much, just on a private basis. I helped MA and
16 doctorate students in translating excerpts of their thesis.

17 Q. Have you done some publishing of other written work besides
18 that Koran project?

19 A. I was an editor or mainly a linguistic editor of two other
20 books relating to the Palestinian issue. One is named -- it's
21 in Hebrew. The book appeared in Hebrew and English. The
22 translation of its name is the ticking bomb.

23 Q. You said the ticking bomb?

24 A. Yes.

25 Q. What is the ticking bomb about?

F1M8SOK2

Shrenzel - direct

1 MR. ROCHON: Objection.

2 THE COURT: Overruled.

3 He can answer.

4 A. The ticking bomb is the name of the book and this book is a
5 collection of articles regarding the phenomenon of suicide
6 attacks, analyzing it and comparing it to other places in the
7 world, etc.

8 Q. I think you mentioned there was a second book you worked on
9 as well.

10 A. Yes. The second book was -- again, I didn't write it. I
11 was the editor, of Hamas lexicon. It appeared in the first
12 edition in 2009 and later this year second edition. This is
13 basically a lexicon of Hamas activists, activities, operatives,
14 and also refers to Hamas relations with other entities, etc.

15 Q. Hamas, is that the Hamas organization we have heard some
16 testimony about earlier?

17 A. Yes, of course.

18 Q. Have you done other things, other written work that you
19 have published from time to time?

20 A. Yes. I published some book reviews that were pertaining to
21 Islamic issues. Because, may I mention again that I teach
22 mainly about Islamic subjects, Muslim, Islamic movements, such
23 as the movement brothers. I wrote some book reviews and
24 articles regarding modern Muslim thought, activities,
25 movements, etc.

F1M8SOK2

Shrenzel - direct

1 Q. Have you been a consultant to any commissions since your
2 retirement?

3 A. Yes. Once during the year 2007, in Israel was established
4 the Vinograd committee. Vinograd is the name of the judge that
5 headed that committee. It was a committee appointed by the
6 Israeli government to look into the facts and the failures or
7 the potential failures that happened during the second Lebanese
8 war in 2006.

9 Q. What was your role, without getting into specifics, what
10 generally was your role?

11 A. I was kind of an adviser to that committee, especially on
12 intelligence issues.

13 Q. So what do you do in your spare time?

14 A. Coming to freezing New York. My main hobby is chess. I am
15 an international chess master. I didn't play much during the
16 last 30 years, but I do write a regular weekly column in the
17 Haaretz newspaper. It is one of the leading newspapers.

18 Q. Have you enjoyed your time here in New York?

19 A. So far so good.

20 Q. Did you do anything good yet?

21 A. Yesterday and today I am contributing to the service of
22 justice here, yes.

23 Q. I hope you had some time off.

24 A. Yes. No complaints.

25 Q. By the way, what languages do you speak?

F1M8SOK2

Shrenzel - direct

1 A. Well, the audience can evaluate my English. Besides that,
2 I am quite good in Arabic, especially in written Arabic, what
3 is called Fusha. This is the literary version of Arabic. In
4 dialects I am not that good. Besides that, I have good
5 knowledge of French, of Russian and maybe less of Spanish and
6 Persian.

7 Q. In preparation for your testimony today, did you have the
8 opportunity to review documents?

9 A. Of course. Of various sources, yes.

10 Q. What kind of documents did you look at in order to prepare
11 yourself for talking to our jury?

12 A. I looked, as they say, let's begin from the legal point of
13 view. I went through the verdict, the indictment, verdict and
14 sentencing of the persons that are in the center of our cases.
15 I looked at the IDF reports of various kinds, of Israeli
16 government reports, of American administration reports. Some
17 of them were mentioned here yesterday. And open source, like
18 newspapers, YouTube videos or clips, and also another report or
19 category of documents that were supplied to us by the
20 defendants.

21 Q. What was your methodology in evaluating those kinds of
22 documents?

23 A. As I said yesterday, I believe we tried to focus on facts
24 that are clear from those documents and tried to analyze each
25 attack to confirm, to understand what actually happened, who

F1M8SOK2

Shrenzel - direct

1 was involved, and what was the links of the perpetrators to the
2 PA, to the defendants, and what was, let's say, the attitude of
3 the defendants toward that attack and towards its perpetrators.

4 Q. In evaluating that last part about the attitudes, did you
5 consider policies and practices of the Palestinian Authority
6 and the PLO?

7 A. Yes. We considered what was said in the documents, what
8 was said in funerals, what was said in various occasions.

9 Q. So how did the methodologies that you used in this case
10 compare to the methodologies that you used back when you were
11 supervising the team at the ISA, Israel Security Agency?

12 A. As I said, there are similarities. The basic thing is that
13 we tried to base our assessment and assertions on facts that
14 can be proven and shown if necessary.

15 MR. YALOWITZ: Your Honor, plaintiffs offer Mr.
16 Shrenzel as an expert on the policies of the Palestinian
17 Authority and the PLO as they are linked to these attacks in
18 his opinions, such as the payment of salaries to convicted
19 terrorists --

20 MR. ROCHON: Objection, your Honor.

21 THE COURT: Slow down.

22 MR. YALOWITZ: It's an offer, a proffer.

23 THE COURT: I am sure that's not his area of
24 expertise. He has a broader area of expertise. So give me in
25 general. If he was a brain surgeon, you would offer him as an

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Shrenzel - direct

1 expert as a brain surgeon. I assume his expertise is a lot
2 more expanded than the limited. What kind of expert is he?

3 MR. YALOWITZ: He is an expert on terrorism as it
4 relates to the policies and practices of the PA and the PLO.

5 MR. ROCHON: I have no objection to that.

6 THE COURT: You can inquire on that basis.

7 MR. YALOWITZ: Thank you so much, your Honor.

8 BY MR. YALOWITZ:

9 Q. Now, Mr. Shrenzel, I would like to begin by directing your
10 attention to what I believe to be a chart or a stack of
11 photographs on the podium before you.

12 Do you have that?

13 A. Do you refer to the photographs of the relevant persons?

14 Q. Yes.

15 A. OK. I have it with me.

16 Q. I just want to go down the list and ask you about each one.

17 Let's begin with Plaintiffs' Exhibit 154 for
18 identification. Have you had a chance to look at that
19 photograph?

20 A. Yes. I basically reviewed all the sources that are
21 mentioned here relating to each photo.

22 Q. Who is 1154 in your opinion?

23 A. This is Mohamed Sami Abdullah. Would you like me to tell
24 in which case he is involved?

25 Q. No. If you could just explain what your basis is for

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Shrenzel - direct

1 concluding that this is Mohamed Sami Abdullah, that would be
2 great.

3 A. As it says in this chart, it's a YouTube clip or YouTube
4 film.

5 Q. Did you or somebody under your supervision check that link
6 and determine that -- check it and make some determination
7 about it?

8 A. Yes. I personally did it in the last few days again.

9 Q. What is your conclusion about the reliability of that
10 particular source?

11 A. I think that it gives us an accurate photo of this person.

12 MR. YALOWITZ: Plaintiffs offer 1154 in evidence.

13 MR. ROCHON: Objection. Lack of foundation. We would
14 like to either approach or --

15 THE COURT: No.

16 Is there any dispute as to who this person is?

17 MR. ROCHON: I have never met this person.

18 THE COURT: I just don't have the exhibit in front of
19 me. Do I have the stack of exhibits that you're going through?
20 Is that in a binder somewhere?

21 MR. YALOWITZ: It is. I think we can get it in a
22 binder.

23 THE COURT: Do I have it?

24 MR. ROCHON: It's right here.

25 THE COURT: I am going to -- why don't you just lay a

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Shrenzel - direct

1 little more foundation as to how he knows who this person is.

2 MR. YALOWITZ: Sure.

3 BY MR. YALOWITZ:

4 Q. Can you just give us a little bit more detail on how you
5 know who this person is.

6 A. Well, when you look at this clip, it is clear from the
7 saying, from the words that are written there that we deal with
8 this person.

9 Q. In your professional career, have you had occasion to rely
10 on those kinds of sources to reach conclusions?

11 A. Yes. Maybe not that often, but it happened, yes.

12 Q. OK.

13 MR. YALOWITZ: With that additional foundation,
14 plaintiffs offer 1154.

15 THE COURT: As a photo of?

16 MR. YALOWITZ: As a photo of Mohamed Sami Abdullah.

17 THE COURT: Then I will admit it.

18 (Plaintiff's Exhibit 1154 received in evidence)

19 BY MR. YALOWITZ:

20 Q. Could you tell us who is in the photo that's been marked as
21 1155.

22 A. This is Majed al-Masri.

23 Q. What is the source for that photo?

24 A. Again, a YouTube clip which pays tribute to him or praises
25 him.

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Shrenzel - direct

1 Q. Have you had the opportunity to evaluate that clip and
2 reach a determination as to whether it's a reliable source for
3 the image of this individual?

4 A. Yes, it is.

5 MR. YALOWITZ: Plaintiffs offer 1155 in evidence.
6 It's a photo of Majed al-Masri.

7 MR. ROCHON: Foundation.

8 THE COURT: It will be admitted.

9 (Plaintiff's Exhibit 1155 received in evidence)

10 BY MR. YALOWITZ:

11 Q. Have you had a chance to look at Exhibit 1158?

12 A. Yes, sir. This is the photo of Said Awada. This is taken
13 from his martyr file supplied to us by the defendants.

14 MR. YALOWITZ: Plaintiffs offer 1158 in evidence.

15 THE COURT: It will be admitted.

16 MR. ROCHON: We don't object, but I don't think we
17 have a copy of that.

18 THE COURT: I don't have that either.

19 I have 1155 and then 1162.

20 MR. ROCHON: Based on the representation we are
21 comfortable getting it later so we can move on. Given where he
22 said he got it from, we are not going to contest foundation.

23 MR. YALOWITZ: I think Mr. Rochon --

24 THE COURT: We will admit it into evidence.

25 (Plaintiff's Exhibit 1158 received in evidence)

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Shrenzel - direct

1 MR. YALOWITZ: There may be one or two that I can
2 skip, your Honor.

3 I think we have done the next two, but we are just
4 going to double check.

5 THE COURT: You believe the next three are already in
6 evidence.

7 MR. YALOWITZ: I believe 1159 and 1153 and 1162 are
8 already in evidence, but we are going to double check on that.
9 If we have to come back to them, we will.

10 THE COURT: Sure.

11 BY MR. YALOWITZ:

12 Q. Now, have you had a chance to look at Exhibit 1166?

13 A. Yes.

14 Q. Who is in 1166?

15 A. This is Fares Ghanem, and the sources are various sites.

16 Q. Have you found those kinds of sources to be reliable in
17 your professional evaluation?

18 A. Yes, I do.

19 MR. YALOWITZ: Plaintiffs offer 1166. It's a
20 photograph of Fares Ghanem.

21 THE COURT: Again, I don't have it in the photographs
22 you gave me. I assume both sides have it. So I'll admit it.

23 (Plaintiff's Exhibit 1166 received in evidence)

24 A. In Arabic it's Fares.

25 Q. I will never get it right.

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Shrenzel - direct

1 Let's go to 1167, Ibrahim Abdel Hai.

2 A. Yes. Again, in an Internet site that I rely on, this is a
3 photo.

4 Q. Is the site and the source that the site has reliable based
5 on your professional experience with this kind of thing?

6 A. Yes.

7 MR. YALOWITZ: Plaintiffs offer 1167 in evidence.

8 THE COURT: It will be admitted.

9 (Plaintiff's Exhibit 1167 received in evidence)

10 BY MR. YALOWITZ:

11 Q. Let's go to 1169, Hilmi Hamash.

12 A. Yes. Again, this is a video clip already taken from a
13 television show or television program. I believe this is a
14 clear representation of this photo.

15 MR. YALOWITZ: Plaintiffs offer 1169 in evidence.

16 MR. ROCHON: That's another one we don't have. May we
17 approach briefly on this? We would like to have the exhibits.

18 THE COURT: Why don't you get it from him. Don't come
19 up here.

20 Mr. Yalowitz, give him a copy of the photos. I
21 believe you produced them previously, but give them to him so
22 he can follow.

23 MR. YALOWITZ: We certainly did, and I expected they
24 would have them handy.

25 MR. ROCHON: Let's not have this kind of -- they are

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Shrenzel - direct

1 not in the binder.

2 THE COURT: Just get the photos together and let's go.

3 MR. ROCHON: We have got them.

4 BY MR. YALOWITZ:

5 Q. Let's go to 1171. Who is this fellow?

6 A. This is Muhammad Hashaika. Again, it's based on Internet
7 sites and I believe them to be credible and this photo is
8 reliable.

9 MR. YALOWITZ: Plaintiffs offer 1171 in evidence.

10 THE COURT: It will be admitted.

11 (Plaintiff's Exhibit 1171 received in evidence)

12 BY MR. YALOWITZ:

13 Q. Let's go to 1172. Who is that?

14 A. This is Wafa Idris. Based on several sites, also a picture
15 was widely published in the press. There is no doubt about
16 that.

17 MR. YALOWITZ: Plaintiffs offer 1172 in evidence.

18 THE COURT: It will be admitted.

19 (Plaintiff's Exhibit 1172 received in evidence)

20 BY MR. YALOWITZ:

21 Q. Let's go to 1173. Who is that fellow?

22 A. Ali Ja'ara.

23 Q. How do you spell that in English?

24 A. J-A-A-R-A.

25 Q. What is the basis -- what is the source that you are

F1M8SOK2

Shrenzel - direct

1 relying on for 1173?

2 A. This is a site of Palestinian news agency.

3 Q. In your professional opinion, is that a reliable site for
4 an image like this?

5 A. Yes, for this purpose at least.

6 MR. YALOWITZ: Plaintiffs offer 1173 in evidence.

7 THE COURT: It will be admitted.

8 (Plaintiffs' Exhibit 1173 received in evidence)

9 BY MR. YALOWITZ:

10 Q. Now, 1175, who is this an image of?

11 A. This is Mohamed Ma'ali. The source here is from a site
12 that deals with Palestinian prisoners.

13 Q. Is it a reliable source for this kind of information?

14 A. Yes, it is. And I believe the photo is accurate.

15 MR. YALOWITZ: Plaintiffs offer 1175 in evidence.

16 MR. ROCHON: No objection.

17 THE COURT: It will be admitted.

18 (Plaintiff's Exhibit 1175 received in evidence)

19
20 Q. Let's go to 1176. Who is this a photo of?

21 A. This is Abdel Rahman Maqdad.

22 MR. YALOWITZ: Plaintiffs offer 1176 in evidence.

23 MR. ROCHON: No objection.

24 THE COURT: It will be admitted.

25 (Plaintiffs' Exhibit 1176 received in evidence)

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Shrenzel - direct

1 BY MR. YALOWITZ:

2 Q. 1177, who is that fellow?

3 A. This is Mohamed Mousleh.

4 MR. YALOWITZ: Plaintiffs offer 1177 in evidence.

5 MR. ROCHON: No objection.

6 THE COURT: It will be admitted.

7 (Plaintiffs' Exhibit 1177 received in evidence)

8 BY MR. YALOWITZ:

9 Q. 1178.

10 A. Munzar Noor.

11 Q. What is your source for that information?

12 A. Video clip that I believe is reliable.

13 MR. YALOWITZ: Plaintiffs offer 1178 in evidence.

14 THE COURT: It will be admitted.

15 (Plaintiffs' Exhibit 1178 received in evidence)

16 BY MR. YALOWITZ:

17 Q. Who is 1181?

18 A. Said Ramadan.

19 Q. What is your source for the photograph of Said Ramadan?

20 A. This specific picture is taken from Abu Dhabi television on
21 which his picture was screened while he is taking
22 responsibility for the terror activity which he committed.

23 MR. YALOWITZ: Plaintiffs offer 1181 in evidence.

24 THE COURT: It will be admitted into evidence.

25 (Plaintiffs' Exhibit 1181 received in evidence)

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Shrenzel - direct

1 BY MR. YALOWITZ:

2 Q. 1182, who is that?

3 A. This is Kahira Sa'adi.

4 Q. What is your source for that photograph?

5 A. The source is an Israeli film that dealt with the
6 phenomenon of Palestinian female terrorists and she was
7 interviewed for that film.

8 Q. This is like a screen shot?

9 A. A documentary.

10 Q. It's a still from the documentary?

11 A. Yes, it is.

12 MR. YALOWITZ: Plaintiffs offer 1182 in evidence.

13 THE COURT: It will be admitted.

14 (Plaintiffs' Exhibit 1182 received in evidence)

15 BY MR. YALOWITZ:

16 Q. How about 1183, who is that?

17 A. This is Ahmed Salah, and the source is from a site of the
18 Palestinian Prisoners Club.

19 Q. Is that a reliable site for images like this?

20 A. Yes, it is.

21 MR. YALOWITZ: Plaintiffs offer 1183 in evidence.

22 THE COURT: It will be admitted.

23 (Plaintiff's Exhibit 1183 received in evidence)

24 BY MR. YALOWITZ:

25 Q. 1185, who is that?

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Shrenzel - direct

1 A. This is Nasser Shawish.

2 Q. What is your source for that image?

3 A. This is a Palestinian television program that was dedicated
4 to him and his family.

5 Q. Is that a reliable source for images like this?

6 A. Yes, it is.

7 MR. YALOWITZ: Plaintiffs offer 1185 in evidence.

8 THE COURT: It will be admitted into evidence.

9 (Plaintiffs' Exhibit 1185 received in evidence)

10 BY MR. YALOWITZ:

11 Q. How about 1186, who is that?

12 A. Sana'a Shehadeh. Again, it is taken, I believe, from the
13 Israeli film about the female Palestinian terrorists.

14 MR. YALOWITZ: Plaintiffs offer 1186 in evidence.

15 THE COURT: It will be admitted into evidence.

16 (Plaintiffs' Exhibit 1186 received in evidence)

17 MR. YALOWITZ: I think I just need to do one more.

18 BY MR. YALOWITZ:

19 Q. You have 1159 before you? It's on the first page of your
20 summary.

21 A. I thought we are already done.

22 1159, Abdel Karim Aweis.

23 Q. What is your source for that image?

24 A. It's written here it was taken from a previous witness
25 expert report. It is taken from the Israeli press.

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Shrenzel - direct

1 Q. Is that source reliable for this kind of an image in your
2 opinion?

3 A. Yes, it is. Also, he is a very well-known figure,
4 Palestinian.

5 Q. Do you recognize him?

6 A. I don't have a clear recollection of me recognizing him
7 immediately, but I know that I have seen his picture even
8 before dealing with this case.

9 MR. YALOWITZ: Plaintiffs offer 1159 in evidence.

10 THE COURT: It will be admitted into evidence.

11 (Plaintiff's Exhibit 1159 received in evidence)

12 MR. YALOWITZ: I think we have done the photos.

13 BY MR. YALOWITZ:

14 Q. Now, I want to go to a document that we have marked for
15 identification as 1193. I am not sure if the witness has that
16 one. Oh, he does.

17 Can you describe what 1193 is?

18 A. Yes. 1193 I have. This is a summary of the six terror
19 attacks that are in the center of this trial.

20 Q. Did you look it over and make sure it was accurate based on
21 all of the work you have done in preparation for your testimony
22 here today?

23 A. Yes, I did.

24 MR. YALOWITZ: Plaintiffs offer 1193 in evidence, your
25 Honor.

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Shrenzel - direct

1 MR. ROCHON: No objection to 1193.

2 THE COURT: 1193 will be admitted.

3 (Plaintiff's Exhibit 1193 received in evidence)

4 BY MR. YALOWITZ:

5 Q. I also want to direct your attention to Exhibits 1120 and
6 1121, which you should have before you.

7 A. Yes, I do.

8 Q. Just describe in general what those documents are.

9 A. Let's begin with 1120. 1120 is the summary of the
10 defendants' payment to convicted nonemployees of the PA of
11 course. It specifies the name, the year of arrest, the year of
12 conviction and the years paid.

13 Q. Did you have the opportunity to check the sources of all of
14 this information on this chart and confirm to your
15 satisfaction?

16 A. Yes. It constitutes part of my original report.

17 Q. Are there some individuals that were not in your report
18 that you also had the opportunity to check up on?

19 A. I believe I did, yes.

20 MR. YALOWITZ: Plaintiffs offer 1120 in evidence as a
21 summary exhibit, your Honor.

22 MR. ROCHON: We do have an objection and we do need to
23 approach. I am very sorry.

24 THE COURT: I thought we already discussed this
25 document.

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Shrenzel - direct

1 MR. ROCHON: We did.

2 MR. YALOWITZ: May I consult with counsel?

3 THE COURT: Is there some reason we didn't discuss
4 what you want to discuss now?

5 MR. ROCHON: We did.

6 THE COURT: We already discussed it and I have already
7 ruled?

8 MR. ROCHON: Yes, and the version that I have doesn't
9 reflect that.

10 THE COURT: Speak to Mr. Yalowitz and see if some
11 error has been made.

12 MR. YALOWITZ: Let's see if there is something we can
13 organize.

14 (Pause)

15 MR. ROCHON: We have worked it out. No objection.

16 BY MR. YALOWITZ:

17 Q. Let's go to 1121.

18 A. 1121 is the pay and promotion to the defendants' employees,
19 mainly people involved in the attacks of various PA agencies.

20 Again we have the name, we have the branch of service, the
21 years paid, the year of arrest order, the year of the
22 conviction, and the number of post-attack promotions.

23 Q. Have you had an opportunity to check over the information
24 on this chart and satisfy yourself as to its accuracy based on
25 the sources available to you?

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Shrenzel - direct

1 A. Yes. All of them are mentioned in my report.

2 Q. To the extent they are individuals -- I think they are all
3 mentioned in the report.

4 MR. YALOWITZ: Plaintiffs offer 1121 in evidence.

5 THE COURT: 1121 will be admitted.

6 (Plaintiffs' Exhibit 1121 received in evidence)

7 MR. YALOWITZ: At this point, your Honor, what I would
8 like to do is hand out some materials to the jury, with the
9 court's permission. It's a binder of exhibits that we have
10 already provided to the defendants.

11 THE COURT: Is it a binder of exhibits that are
12 already in evidence?

13 MR. YALOWITZ: Perhaps we ought to give the court a
14 copy and just move them in evidence en masse.

15 THE COURT: You need to lay a foundation for some of
16 the documents. Let's do it before we hand them all out.

17 MR. ROCHON: Does your Honor anticipate taking a
18 mid-morning recess at any point?

19 THE COURT: Yes. Probably in about 20 minutes. Did
20 you need it before that?

21 MR. ROCHON: Yes.

22 THE COURT: Let's try to set this up first. Let's do
23 about ten minutes. Is that all right?

24 MR. ROCHON: Of course, your Honor.

25 BY MR. YALOWITZ:

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Shrenzel - direct

1 Q. Mr. Shrenzel, I have placed before you a binder and it has
2 on the cover January 22, 2002, 4:20 p.m., Jaffa Road,
3 Jerusalem.

4 Do you have that binder before you?

5 A. Yes, I do.

6 Q. Can you just turn to the index.

7 A. Yes, sir.

8 Q. Also, could you look at -- could you just describe to the
9 court what this index is.

10 A. I believe this is an index of exhibits relating to the
11 attack that took place on that date.

12 Q. So just describe, without going into any particulars, just
13 describe the kind of documents that are in this binder.

14 A. Again, we can see a variety of sources. If we just look at
15 exhibits pertaining to the first perpetrators, we see martyr
16 file, we see employment records, we see GIS, which means
17 general intelligence service, the Palestinian Intelligence
18 Service files. In the next one we see indictment, hearing
19 record. We have again, files, employment records and so forth.

20 Q. Have you had the opportunity to evaluate all these
21 documents and read them and so forth?

22 A. I did.

23 MR. YALOWITZ: Your Honor, in order to save time what
24 I think I would like to do is move the documents that are
25 listed in the index before you. Some of them have been

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Shrenzel - direct

1 redacted in accordance with the court's prior rulings. We can
2 then file on the docket the index so that the court will have a
3 record of what has been offered in evidence.

4 MR. ROCHON: Subject to prior, we don't object.

5 THE COURT: Sure.

6 MR. YALOWITZ: Great. So then I am ready to hand out
7 the binder.

8 THE COURT: Let's do this. Let me give the jury a
9 ten-minute break, and it will be ten minutes this time, ladies
10 and gentlemen. We will put out the binders on the seat. You
11 will come back and the binders will be there and we will
12 continue.

13 (Jury exits courtroom)

14 (Continued on next page)

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Shrenzel - direct

(Jury not present)

MR. YALOWITZ: Just before we break, one logistical thing.

MR. ROCHON: Can Mr. Shrenzel wait one second?

THE WITNESS: It's OK.

MR. ROCHON: The witness has a summary up there with him. We don't have a copy of what the witness has. They said he can take a teddy bear if he wanted. We should have a copy of the teddy bear if they bring something up.

THE COURT: If he is going to utilize that with his testimony, and you want to look at it, you can look at it. You have the right to do so. You even have the right, depending on how they want to handle it. If you want to save us all time, you can see what they have. If they don't want to do that, you can get up on cross-examination and demand to see it.

MR. ROCHON: I am sure Mr. Yalowitz would prefer the latter.

MR. YALOWITZ: Let me take that one under advisement. I enjoy watching Mr. Rochon perform.

THE COURT: Take it under advisement for two minutes and then make a decision.

Yes, you have the right to see it. I can either order you to show it to him now or he can ask him what he has in front of him in front of the jury.

Mr. Yalowitz, you had something.

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Shrenzel - direct

1 MR. YALOWITZ: Just one logistical thing. In addition
2 to the binders, I would like to give the jury copies of 1120
3 and 1121, which are the summary charts we just moved in
4 evidence, and also copies of this little card.

5 THE COURT: Is that the one you used before?

6 MR. YALOWITZ: Yes. We have now moved it in evidence.
7 I just wanted to get the court's permission.

8 MR. ROCHON: The same one they used in opening.

9 THE COURT: Sure.

10 MR. ROCHON: It's in evidence. I don't think I have a
11 grounds to it other than some of this might be duplicative.

12 THE COURT: You may proceed in that manner if that's
13 the way you want to proceed.

14 We will take a short break.

15 (Recess)

16 THE COURT: Are we all set with the binders?

17 MR. ROCHON: I haven't heard on Mr. Yalowitz's
18 consultation with himself.

19 MR. YALOWITZ: I am sorry, Mr. Rochon. Finish your
20 statement and then I need to consult and then --

21 MR. ROCHON: You didn't interrupt. I just said I
22 haven't yet got an answer on the summary.

23 MR. YALOWITZ: I understand.

24 THE COURT: Is that a question?

25 MR. YALOWITZ: We don't have a problem if Mr. Rochon

F1M8SOK2

Shrenzel - direct

1 wants to see the notes that Mr. Shrenzel was referring to.

2 You want to come up and look at them right now?

3 MR. ROCHON: If Mr. Shrenzel just shows me when we
4 break for lunch, if that's convenient.

5 THE COURT: All right. As long as he sees it before
6 he gets to cross.

7 Let's get the jury. We are doing well. Let's move
8 along.

9 (Continued on next page)

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F1M8SOK2

Shrenzel - direct

1 (Jury present)

2 THE COURT: Mr. Yalowitz, you can continue.

3 MR. YALOWITZ: Thank you, your Honor.

4 As you can see, we have handed out a thoroughly large
5 binder, members of the jury. We will try to get that binder
6 off your lap as soon as we can. I know it is a bit of a hefty
7 one.

8 With the Court's permission, there are three other
9 things I would like to hand out to the jury and they can just
10 tuck them into the binder and have them handy.

11 THE COURT: All right.

12 MR. YALOWITZ: We are handing 1120, 1121 and 1193.

13 While we are handing those out, your Honor, I just
14 want to reflect to the court and to counsel that in addition to
15 the documents listed in the index of this binder, the binder
16 also has the photographs we were just going over that are
17 relevant to the particular perpetrators at issue here.

18 THE COURT: All right.

19 MR. YALOWITZ: We are almost ready to go.

20 BY MR. YALOWITZ:

21 Q. Now, Mr. Shrenzel, have you had the opportunity to
22 familiarize yourself with the shooting attack that occurred on
23 January 22, 2002?

24 A. I did.

25 Q. Just tell the members of the jury generally what happened.

F1M8SOK2

Shrenzel - direct

1 A. Yes.

2 MR. ROCHON: Objection, your Honor.

3 THE COURT: Overruled.

4 He can answer.

5 A. So in the very center of Jerusalem, on Jaffa Road, a
6 Palestinian policeman opened indiscriminate fire against the
7 crowd that was there at the time. He killed two women and he
8 wounded dozens of others.

9 Later he was captured and killed by the Israeli
10 security forces that rushed to the scene.

11 Q. Have you had the opportunity to examine a photograph of the
12 scene of this crime?

13 A. Yes, I have. Yes.

14 MR. YALOWITZ: With the court's permission, I will
15 show that to the witness.

16 THE COURT: Yes.

17 MR. YALOWITZ: Ladies and gentlemen, I apologize. We
18 seem to be having a little technological challenge.

19 Why don't we move on from that. We will try to
20 address that at a break.

21 Q. So let's go right to the binders.

22 If you could just open your binders, ladies and
23 gentlemen, and Mr. Shrenzel, and just turn to that first photo.

24 Who are we looking at here?

25 A. This is Said Ramadan, the policeman that committed this act

F1M8SOK2

Shrenzel - direct

1 of terror.

2 Q. I think you mentioned earlier that this is a photo from a
3 video, is that right?

4 A. From the Abu Dhabi television, if I am not mistaken. But
5 it may be another channel. And this is his photo. While
6 declaring his readiness -- he was filmed before the attack of
7 course and in order to be presented afterwards while he
8 declares his readiness and willingness to carry it out.

9 Q. What does the headband say?

10 A. This says *Kata'ib Shuhada*, which means Al Aqsa Martyr
11 Brigades.

12 Q. What language is that?

13 A. This is in Arabic.

14 Q. What is the weapon he is holding?

15 A. According to my common knowledge of weapons, this is M-16.

16 Q. I want you to give the jury some information about the
17 first document in their binder which is behind tab A. It's
18 Exhibit 60.

19 A. This document summarizes the basic facts about this person.
20 It is issued by the martyrs' families, families in the Injured
21 Care Establishment, and it's basically what we call his martyr
22 file.

23 Q. So let's turn the page and just look at page 2 of this
24 martyr file.

25 By the way, who prepared this document?

F1M8SOK2

Shrenzel - direct

1 A. This was prepared by this institute.

2 Q. I just want to go back to the front page. At the very top
3 it says -- I want to direct you to where it says, Palestinian
4 National Authority, Ministry of Social Affairs.

5 Do you see that?

6 A. Yes, sir.

7 Q. Where it says Palestinian National Authority, what is that
8 institute?

9 A. This is the PNA. This is one of the defendants in this
10 case. We usually refer to it as the PA, but the full name is
11 PNA, Palestinian National Authority.

12 Q. And that eagle, what is that eagle?

13 A. This is an emblem or the emblem of the PNA.

14 (Continued on next page)

FlmQsok3

Shrenzel - Direct

1 Q. Great. I want to now go back to the second page. I just
2 want to focus you on personal data, and can we tell from this
3 personal data who the martyr is in this case?

4 A. Yes, it's written. His name is written here. Said
5 Ramadan. Also where he served in the maritime police. He was
6 a maritime police officer and some other details regarding him.

7 MR. YALOWITZ: With the Court's permission, I just
8 want to read the description of the event according to the PA's
9 documents?

10 THE COURT: Yes.

11 BY MR. YALOWITZ:

12 Q. "He was martyred by executing a martyrdom operation in West
13 Jerusalem. The operation led to the death and injury of a
14 number of Israelis."

15 Do you see, Mr. Shrenzel, there is an area that's been
16 blacked out on that page?

17 A. Yes, I see it. I can't see what is beyond it.

18 MR. YALOWITZ: May I just read to the jury this
19 section, your Honor?

20 THE COURT: Beginning where?

21 MR. YALOWITZ: Right after the part that has been
22 blacked out.

23 THE COURT: "He began"?

24 MR. YALOWITZ: Yes, sir.

25 THE COURT: Yes.

FlmQsok3

Shrenzel - Direct

1 Q. "He began his professional life as a mechanic after which
2 he joined the maritime police of the Palestinian National
3 Authority. He was a corporal. He was known to be a calm
4 person and faithful to his country. Among his expressions was
5 'Oh, martyr you have tested my soul.' He was martyred while
6 performing his national duty."

7 Does this statement in this document reflect any
8 policies that you're aware of?

9 MR. ROCHON: Objection, your Honor.

10 THE COURT: Sustained as to the form of the question.

11 Q. Could you explain what they mean when they say he was
12 martyred while performing his national duty?

13 MR. ROCHON: Objection, your Honor.

14 THE COURT: Overruled. You can answer and you can
15 cross-examine.

16 A. Yes. I think it speaks for itself, but let me add that it
17 reflects the fact that those who wrote this document; namely,
18 an official of the PA considers such an attack against
19 civilians in the center of Jerusalem as a performance of a
20 national duty, and also as written one line before, as proof of
21 his faithfulness to his country. This is really very
22 disappointing.

23 Q. Now, I just want to turn over one more page and ask you a
24 couple of questions. The first one is looking at that page,
25 it's got a number at the very top on the top right that ends

FlmQsok3

Shrenzel - Direct

1 with 9052. Do you see that?

2 A. Yes, I see this page. Yes.

3 Q. Great. Then it's got a line that says department's
4 recommendation. Do you have that?

5 A. Yes.

6 Q. Can you tell from this whether Said Ramadan had a wife or
7 children?

8 A. I believe I saw before that he was single.

9 MR. YALOWITZ: May I direct, your Honor?

10 THE COURT: Yes.

11 Q. Just reading the very first part. Go ahead, Mr. Shrenzel.

12 A. Yes, I see now that under the heading "decision of the
13 director," it states that "martyr was single."

14 Q. I want to take you now to tab E in this first set of
15 documents. That is Exhibit 153. Let me know when you are
16 there, and I will make sure the members of the jury are with us
17 as well.

18 A. I am.

19 Q. Great. Looks like everybody is there.

20 What kind of document are we looking at here?

21 A. This is a general intelligence document. I reiterate
22 again, a Palestinian document of the Palestinian general
23 intelligence. And, again, it is a review of the data regarding
24 this individual.

25 Q. When you said Palestinian document, could you just direct

FlmQsok3

Shrenzel - Direct

1 us to the part of the document on the first page that you are
2 relying on for that?

3 A. The heading on the left side, "general intelligence
4 northern governorates."

5 Q. In the middle there right where it says: "In the name of
6 Allah, the compassionate and merciful"?

7 A. Palestinian National Authority.

8 Q. Where do we see this is Said Ramadan's file?

9 A. His name is clearly up in this page.

10 Q. That's just right on the first page there?

11 A. Yes. Name and then -- the name is there.

12 Q. So let's flip to the second page. I want to ask you a
13 couple of questions about it. Do you see there is a box toward
14 the bottom that says "text of report"?

15 A. I do.

16 Q. That is just right on the page that has a 9966 T in the
17 very bottom?

18 A. 9966, yes.

19 MR. YALOWITZ: Your Honor, I just want to read from
20 that report, if I may.

21 THE COURT: Go ahead.

22 BY MR. YALOWITZ:

23 Q. "The aforementioned is a member of the Fatah movement. He
24 was employed by the maritime police" --

25 THE COURT: Marine.

FlmQsok3

Shrenzel - Direct

1 BY MR. YALOWITZ:

2 Q. I'm sorry, "Marine police in Nabus. He carried an amaliya
3 istishhadyia."

4 A. It's istishhadyia.

5 Q. As I said, "an act of martyrdom in occupied Jerusalem in
6 2003 on behalf of the Al-Aqsa Martyr Brigade in retaliation for
7 the istishhad death as a martyr of Raed al-Karmi."

8 Could you just explain what amaliya istishhadyia is?

9 A. Yes. But let me first make a correction. I think the
10 mistake is in the original. It was in 2002 and not 2003. OK?

11 Q. Right. OK. That's helpful.

12 A. Yes.

13 Q. What about this employment by the marine police in Nablus?
14 Do you have other information about whether that's correct?

15 A. Well, that's what it says, and there is no reason to have
16 doubts about it. There were units of the marine police though
17 there is no sea in Nablus, but still the major bases of the
18 Palistinian naval forces were in Gaza, but they also had units
19 in other places.

20 Q. Let's look at tab B.

21 A. You wanted me to explain about the amaliya istishhadyia.

22 Q. Yes, I'm sorry.

23 A. Amaliya istishhadyia is the common name for an act of
24 terror where either it's a suicide attack or, as in this case,
25 it is clear to the perpetrators that he is not going out alive

FlmQsok3

Shrenzel - Direct

1 of it; that his chances to survive the attack are very slim.

2 He didn't detonate a bomb, but, for example, he opened fire but
3 he knew in central Jerusalem probably he will be shot at by
4 Israelis policemen.

5 Q. Thank you. That's helpful.

6 Could we look at tab B together right in the very
7 front of the binder so we are still under Said Ramadan. Just
8 go back two files to Exhibit 62.

9 A. Under tab B?

10 Q. B like bravo. Have you got Exhibit 62 in front of you
11 there?

12 A. No, it's probably mistaken in the tab.

13 MR. YALOWITZ: May I approach, your Honor?

14 THE COURT: Yes, please.

15 MR. YALOWITZ: Thank you.

16 Q. We are all looking at 62.

17 A. Yes.

18 Q. First of all, let's orient ourselves. Whose document is
19 this?

20 A. This is a document of the central financial administration.
21 It belongs to the ministry of interior and national security.

22 Q. Of which --

23 A. Again of the PNA.

24 Q. What is that eagle we see at the top?

25 A. The same emblem of the PNA that we mentioned before.

FlmQsok3

Shrenzel - Direct

1 Q. If we flip pages, first, second, third page. What
2 information is there in this table.

3 A. We have information about the salaries that he got and that
4 his family continued to get after his death in the years 2000
5 to 2002.

6 Q. So this is his salary as a police officer?

7 A. Yes, as a policeman. Yes.

8 Q. How much was he making in terms of net shekels as a police
9 officer, according to this document?

10 A. For example, in 2000, it is written 943 shekels.

11 Q. Can you convert on the fly what's the shekel-to-dollar
12 ratio roughly?

13 A. Roughly one-to-four today. But -- OK, I have no
14 recollection of the exact exchange rate at that period.

15 Q. So if we took that one-to-four, am I kind of doing the math
16 in my head right, this is about a \$250 a month job as a police
17 officer?

18 A. Yes, it seems accurate.

19 Q. That is as a corporal?

20 A. Yes.

21 Q. Could we flip past 2000 and 2001 and just look at 2002 for
22 a second?

23 A. Yes.

24 Q. First of all, do you recall from the documents when Said
25 Ramadan died?

FlmQsok3

Shrenzel - Direct

1 A. Yeah, he died on that very day, on the 22nd of January,
2 2002.

3 Q. What are we looking at here in 2002 in terms of pay for
4 this man?

5 A. That he continued to get -- or probably his family
6 continued to get his salary with some deductions.

7 Q. So even after he died, they're still paying his salary?

8 A. Yes.

9 Q. How much is the salary as of January of 2002? How much is
10 his sort of corporal maritime police salary?

11 A. This is quite similar to what he earned as we discussed
12 previously, 964 shekels.

13 Q. Then I see it looks like there's a change in the fifth
14 month of 2002?

15 A. Yes.

16 Q. What's happening there?

17 A. I'm not aware of the reasons why it was a little bit
18 lowered.

19 Q. What does it say in terms of the written description? I'm
20 wondering it goes from "maritime Nablus," and then it says
21 "martyrs and the injured - the west."

22 A. This is technical, more technical from where he is going to
23 get the salary he is going from the department of the maritime
24 police or from the department of the that institute.

25 Q. Tab C, what kind of document are we looking at here?

FlmQsok3

Shrenzel - Direct

1 A. This is a document that relates to his promotion.

2 Q. I want to focus on the first panel, that top third of the
3 document and just ask you about the very last entry in that
4 first panel of the top third. Maybe we can put this on the
5 Elmo so everybody can see what we are talking about because
6 this is confusing. Here we are looking at that comprehensive
7 overview statement. I just want to direct your attention and
8 the attention of the members of the jury to the thing that I
9 have circled here promotion from corporal to sergeant
10 January 22, 2002?

11 A. Yes.

12 Q. So what is happening with that promotion?

13 A. Yes. Let me explain. You see the date of the -- the date
14 when this promotion was issued is April 28, but it is really
15 since January 22; namely, the day of his death, of Said
16 Ramadan's death following the attack, and you are not showing
17 me the rank, but I remember it. He was promoted d from
18 corporal to sergeant.

19 Q. Do you see that in your binder?

20 A. Yes.

21 Q. If you open up 89, you see it right there in your own
22 binder?

23 A. I do.

24 Q. Great.

25 MR. ROCHON: May I have a side bar with counsel for a

FlmQsok3

Shrenzel - Direct

1 second, your Honor?

2 THE COURT: Why don't you discuss it with him?

3 MR. ROCHON: That's what I said, sidebar with counsel.

4 THE COURT: This is the sidebar.

5 MR. ROCHON: Can I talk to him for a second?

6 THE COURT: Yes, talk to him. That's a podium.

7 (Pause)

8 MR. ROCHON: Thank you, your Honor.

9 Q. I think we've done enough on that.

10 Can you comment on the fact that this document shows
11 that he was given a promotion effective the day he committed a
12 terror act?

13 MR. ROCHON: Objection, your Honor.

14 THE COURT: Sustained. Let me just give you some
15 guidance. I prefer you not ask questions: "Can you comment
16 on." Be more specific about what you are asking. It's just
17 too general a question.

18 MR. YALOWITZ: Thank you, your Honor. We will be
19 guided by that.

20 Q. Could you explain why he is getting promoted as of
21 January 22?

22 MR. ROCHON: Objection, your Honor.

23 THE COURT: Overruled. You can cross-examine.

24 A. Well, this was very common. This is a token of
25 appreciation to what he did. We already saw that in previous

FlmQsok3

Shrenzel - Direct

1 documents he performed his national duty, etc., and as a person
2 that fulfilled his national duty and is no more among us, then
3 he is promoted in order to enable his family to get a little
4 bit more money.

5 Q. I just want to look at one more with you, one more document
6 about him which is behind tab E, Exhibit 153.

7 A. I have it.

8 Q. I think we've gone over that. I just want to direct you to
9 the very bottom of the first page which it says in the very
10 bottom box "text of report."

11 A. Yes.

12 Q. Do you have that?

13 A. Yes.

14 Q. If you could just read that sentence, and then I have a
15 question for you about it.

16 A. The aforementioned was martyred during a Fatah operation in
17 Israel.

18 Q. Now, by the way, whose document is this?

19 A. This is again a document of the Palestinian GIS, General
20 Intelligence Service.

21 Q. Now, did a particular group take credit for this operation?

22 MR. ROCHON: Objection, your Honor.

23 THE COURT: Are you asking about something in the
24 document?

25 MR. YALOWITZ: No.

FlmQsok3

Shrenzel - Direct

1 THE COURT: About something in his personal knowledge?

2 MR. YALOWITZ: About something based on his review of
3 the evidence.

4 THE COURT: What evidence? Evidence that's before
5 this jury?

6 MR. YALOWITZ: It's before the jury, your Honor.

7 THE COURT: Why don't you direct his attention to
8 something that is before the jury.

9 MR. YALOWITZ: Sure. Let's do it that way. That will
10 be simpler.

11 Q. Let's just turn over the page and look at the report on the
12 bottom of that next page.

13 THE COURT: Where are you?

14 MR. YALOWITZ: We are on 9966 T.

15 THE COURT: Which tab?

16 MR. YALOWITZ: Same tab, tab E like echo.

17 Q. May I just direct the jury's attention to the statement:
18 "He carried out an amaliya istishhadyia in occupied Jerusalem
19 in 2003 on behalf of the Al-Aqsa Martyrs' Brigade." Do you see
20 that statement.

21 A. I do.

22 Q. Now, have you had the opportunity to look at a videotape
23 that we talked about earlier?

24 A. I did.

25 Q. Have you reached an opinion about its authenticity based on

FlmQsok3

Shrenzel - Direct

1 your evaluation of the tape and the place where you got it?

2 A. I did. As I said, it's very credible.

3 Q. Let me ask you this: Have you had the opportunity also to
4 look at a photograph which we've marked as Exhibit 407? I will
5 just put it before you with the box top so you can see it. Do
6 you see Exhibit 407 for identification on the screen before
7 you, Mr. Shrenzel?

8 A. I do.

9 Q. Have you had an opportunity to look at that photograph?

10 A. I have.

11 Q. What is it?

12 A. It is part of the scene of this attack -- after the attack,
13 the wreckage brought about as a result of that attack.

14 Q. Have you had an opportunity to evaluate the source of that
15 information?

16 A. I did.

17 Q. Do you believe it to be a reliable source for this kind of
18 photograph?

19 A. I do.

20 MR. YALOWITZ: Your Honor, plaintiffs offer 407.

21 MR. ROCHON: No objection to 407.

22 THE COURT: It will be admitted in evidence.

23 (Plaintiff's Exhibit 407 received in evidence)

24 Q. What do we see here?

25 A. We see here the remains of the bus stop after the attack

FlmQsok3

Shrenzel - Direct

1 took place.

2 Q. Are we able to enlarge it a little bit?

3 MR. YALOWITZ: Plaintiffs would also move to admit the
4 Exhibit 196, clip 6 without sound.

5 MR. ROCHON: Subject to prior, your Honor.

6 THE COURT: Sure. It will be admitted into evidence.

7 (Plaintiff's Exhibit 196 received in evidence)

8 Q. Let's go to the videotape. Tell us what we are going to
9 see before we queue it up there.

10 Mr. Shrenzel, what are we going to see? Oh, you don't
11 know

12 A. Foresight is not one of my qualifications mentioned.

13 Q. Have you had a chance to look at a videotape of Said
14 Ramadan in the days or hours before his suicide operation?

15 A. I believe it was incorporated in a broadcast that was on
16 the air after the attack. And then in that broadcast was
17 included his picture, his photo and the fact that he belonged
18 to the Al-Aqsa Martyr Brigade taking responsibility.

19 Q. Let's go to the videotape. Can we pause it a second? I
20 think I asked you about the headband and the gun. Could you
21 just describe what that logo is on the canvas behind the gun?

22 A. Yes, this is the logo of the Al-Aqsa Martyr Brigade. You
23 see the rifles and you see the al-aqsa mosque.

24 Q. In your experience when a person who is about to commit a
25 terror attack appears in a video like this, what is that an

FlmQsok3

Shrenzel - Direct

1 indication of?

2 A. This is an indication of his willingness and readiness to
3 carry out the attack, and one might say that this is very
4 important for those who organized it; that they have such a
5 video in order to glorify him later to show that he serves as a
6 war martyr.

7 Q. I just want you to turn back before we finish the videotape
8 to tab E in your binder, that very first page of Exhibit 153.

9 A. Yes.

10 MR. YALOWITZ: Your Honor, may I just read to the jury
11 from the bottom of that document?

12 THE COURT: Yes.

13 Q. "The aforementioned was martyred during a Fatah operation
14 in Israel." Whose document is this?

15 A. This is the GIS document.

16 Q. And the GIS is part of what entity?

17 A. PNA.

18 Q. Thank you.

19 Let's watch the remainder of the videotape.

20 (Videotape played)

21 Q. Let's pause it for a second. Can you tell what he is doing
22 there?

23 A. He is reading what is supposed to be his will.

24 Q. Thank you. Let's continue.

25 (Videotape played)

FlmQsok3

Shrenzel - Direct

1 Q. Let's turn to the next tab in our binder PNA. Who do we
2 have here in this photograph?

3 A. I don't have a photograph. -- now I have it.

4 Q. If you turn to the next, Mr. Shrenzel.

5 MR. YALOWITZ: May I approach to make sure everyone
6 has the binder in mind?

7 THE COURT: Yes.

8 Q. Mr. Shrenzel, I am just going to direct you here to the
9 binder. Who do we have here in your binder?

10 A. Where?

11 THE COURT: In the binder. You're confusing. That's
12 not the same picture in the binder.

13 THE WITNESS: I have this picture.

14 THE COURT: He has something different. You put up
15 several pictures.

16 Q. Whose tab on we on here?

17 THE COURT: Do it by exhibit number. What exhibit is
18 he looking at?

19 Q. What exhibit are you looking at?

20 A. 1162.

21 Q. Who is that?

22 A. This is Ahmed Barghouti.

23 Q. We can just flip through tab A and B. We have seen those
24 before. I want to direct you to tab C. So what are we looking
25 at in Exhibit 36C?

FlmQsok3

Shrenzel - Direct

1 A. We have a list of his salaries as a policeman from the year
2 2000 to the year 2002.

3 Q. Was this Ahmed Barghouti, was he an employee of the
4 Palestinian Authority?

5 A. He was. He was officially a Palestinian policeman. Most
6 of the time he worked posts as Marwan Barghouti's bodyguard and
7 driver, and he was engaged in terrorist activity; but
8 officially he was a member of the Palestinian Police.

9 Q. What was his salary as a Ramallah police corporal during
10 the year 2000?

11 A. 2000 if we take the first month, 1041 shekels.

12 Q. Just doing our four-to-one math, do you get about \$260 a
13 month?

14 A. That's fair enough.

15 Q. Now, I want to go past the schedule of his payments in the
16 years through '02 and go to the fourth page which says
17 "comprehensive overview statement" at the top?

18 A. The same tab?

19 Q. Yes, same tab.

20 A. Yes, I found the comprehensive overview statement.

21 Q. Can you just from that statement determine how many times
22 Ahmed Barghouti has been promoted after his arrest and
23 conviction?

24 A. Yes, he was promoted twice.

25 Q. Do you still have that Exhibit 1120, that summary sheet

FlmQsok3

Shrenzel - Direct

1 before you?

2 A. Yes, I do.

3 Q. Can you just tell us where he is on the summary sheet?

4 A. The third from the top.

5 Q. Take us through what the summary shows about him.

6 A. The summary shows that he was promoted from sergeant to
7 first sergeant and then to warrant officer and it even says
8 "pursuant to presidential orders."

9 Q. Do you have 1121 before you?

10 A. I do.

11 Q. Take us through what we can learn about him just from 1121
12 alone.

13 A. Well, I think that we already covered this basic
14 information; that he belonged to the police. He's paid from
15 2000 until present and he was arrested in 2002 and convicted
16 in 2003. He was given three promotions, but I'm not sure about
17 the three.

18 THE COURT: You have to keep your voice up.

19 A. I counted twice, but --

20 Q. Let's flip over to 1113.

21 A. Under which tab?

22 Q. 1113, it's under tab D.

23 THE COURT: 113 or 1113?

24 MR. YALOWITZ: 113. I apologize.

25 A. OK. This document there is another promotion, yes.

FlmQsok3

Shrenzel - Direct

1 Q. So we have that tied up. Do you feel comfortable that it's
2 three promotions?

3 A. Yes, it's three promotions as I have now a more updated
4 document and we can see that while the attack took place he was
5 a sergeant, and on 2010 he is already a captain.

6 Q. I think you mentioned this earlier, but let's see if we
7 have it in a document. Let's look at tab E Exhibit 142, Ahmed
8 Barghouti.

9 A. Yes, sir.

10 Q. Just tell us who created Exhibit 142?

11 A. The general intelligence.

12 Q. Of?

13 A. Of the PNA.

14 Q. Can you direct the jury to where it says what his
15 occupation is. Toward the middle of the page on the left,
16 there is a box that says "occupation." Do you see that?

17 A. I do.

18 Q. What are they listing as his occupation?

19 A. He was brother Marwan al-Barghouti's bodyguard.

20 Q. Remind us who is Marwan al-Barghouti?

21 A. Marwan al-Barghouti is the head of Fatah in the West Bank,
22 head of legislative council and the mentor of the Al-Aqsa
23 Martyr Brigade.

24 Q. Mentor?

25 A. Mentor, father, one can even say commander to some extent,

FlmQsok3

Shrenzel - Direct

1 OK.

2 Q. Now, I want to turn the page on Ahmed Barghouti's
3 intelligence report and look at the second page with you, which
4 has 9925 T?

5 A. I have it, sir.

6 Q. Great. I want to focus you on the text of the report down
7 at the bottom. Do you have that?

8 A. I do.

9 Q. You see there are some places where there are three little
10 stars, three sets of three little stars.

11 A. I do.

12 Q. I want to read the first one, and then I want to ask you
13 about the second one with the Court's permission.

14 THE COURT: Yes.

15 MR. YALOWITZ: Thank you, your Honor.

16 Q. "The aforementioned used to work as brother Marwan
17 al-Barghouti's bodyguard, but he was arrested by the Israeli
18 occupation forces and was sentenced to 15 life terms plus 50
19 years. He is currently serving his prison sentence in the
20 al-Naqab prison."

21 MR. YALOWITZ: May I continue, your Honor?

22 THE COURT: Yes.

23 Q. "It says the aforementioned is good in terms of security
24 and moral."

25 Mr. Shrenzel, have you had the opportunity to look at

FlmQsok3

Shrenzel - Direct

1 this document in advance of your testimony?

2 A. I did.

3 Q. And the word moral, is that singular or plural in the
4 original?

5 A. In the original it said says "achla" (ph) which means it is
6 better translated as moral in the plural.

7 Q. Morals?

8 A. Yes.

9 Q. OK. "The aforementioned is good in terms of security" --
10 and morals is the way you would write it.

11 A. I would do it that way.

12 Q. I want to go to the next individual in our binder. His
13 name is Nasser Aweis. I want to begin by looking at his
14 photograph with you?

15 A. Yes, sir.

16 Q. This is 1153. Is that right?

17 A. Yes.

18 Q. Let's go past tab A which is his conviction. I think we
19 can go right to tab B. What is this document in tab 76?

20 A. This is his prisoner file.

21 Q. What are we looking at on the first page?

22 A. On the first page what is the most interesting part is the
23 fact that the period of his detention between '86 and '91 he is
24 cultivated as part of his service in the Palestinian police
25 or -- sorry, as part of his period of service in the

FlmQsok3

Shrenzel - Direct

1 Palestinian police, although it didn't exist on that date.

2 Q. So are you looking at the January 19 of '86 through
3 January 17 of '91?

4 A. Yes.

5 Q. When was the Palestinian Authority created?

6 A. In '94.

7 Q. In '94?

8 A. Yes, sir.

9 Q. Are you saying they are giving him credit for service
10 before they were created?

11 A. Literally in this document they give him credit for being a
12 prisoner of Israeli cell of that period as well.

13 Q. I just want to flip through with you five pages to a page
14 that says subject detainee detention status approval?

15 A. Could you please direct me to the number of the page?

16 Q. It is 9304.

17 A. Yes.

18 Q. What are we looking at here in 9304?

19 A. This is an official approval of his being a prisoner in an
20 Israeli cell, and it also tells us something about the
21 circumstances in which he -- or the reason for his being in the
22 Israeli cell.

23 Q. What entity created this document?

24 A. This was created by the ministry of prisoners and
25 ex-prisoners, and this belongs to the PA as well, of course.

FlmQsok3

Shrenzel - Direct

1 Q. It belonged to the PA in 2011?

2 A. That's the way I understand it.

3 Q. Now, what does it say is the reason for his being a
4 prisoner?

5 A. He is a prisoner as a result of his fight for his country.
6 You can also translate it, I looked at the original, because of
7 his national struggle or fight, depends -- I was here yesterday
8 and I noted some dispute about translated term, but I think it
9 is basically the same, struggle, fight.

10 Q. In the context of this document, what is your understanding
11 the phrase as a result of his fight for his country?

12 MR. HILL: Objection.

13 THE COURT: Overruled.

14 A. That his actions that resulted in 15 life imprisonments;
15 namely, 15 or around 15 cases of murder, not only the one that
16 we deal with here now. And he is sitting in jail because of
17 those crimes. And an official document of the PA describes it
18 as a fight for his country. Those crimes are considered a
19 fight for his country.

20 Q. Let's turn to tab C, which is Exhibit 3 in your binder?

21 A. Yes.

22 Q. What are we looking at here?

23 A. These are again -- this is again information about his
24 salaries.

25 Q. Does it also say what department he was in?

FlmQsok3

Shrenzel - Direct

1 A. Yes. It says that he was in the Nablus intelligence.

2 Q. Then in the '01 and '02 period, what was his job then, or
3 what was his department then?

4 A. National security. He was probably transferred from the
5 national -- Nablus intelligence to the national security forces
6 in Nablus.

7 Q. So his department was national security?

8 A. Yes, that's in the name of the overall agency of the PA,
9 national security forces.

10 Q. And his rank was what?

11 A. Depends on what point of time. In the beginning of 2000,
12 he was a first lieutenant, yes. And then he was promoted. I
13 believe we have a different chart for his promotion.

14 Q. Looking at this rank here, what is his rank as of, say,
15 April of 2002?

16 A. Captain. Captain plus one.

17 Q. Captain, is that a higher rank than corporal as we saw with
18 Ramadan?

19 A. Much higher.

20 Q. Then it looks like his salary here is about 1934 shekels.
21 Am I reading that right?

22 A. That is on the first month, yes. On January, yes.

23 Q. So, do you recall when Nasser Aweis was arrested off the
24 top of your head, or would you like a document?

25 A. Better to see a document. I believe it was during April or

FlmQsok3

Shrenzel - Direct

1 the month of -- in the months of 2002 following the attack.

2 Q. April 2002?

3 A. I'm not so sure, but you can direct me to this piece of
4 information.

5 Q. Sure. Can you put up 354 up for us a minute? Bear with
6 us. We are going to put Exhibit 354 up on the screen so we can
7 check it.

8 MR. YALOWITZ: May I read, your Honor?

9 THE COURT: Yes.

10 Q. "In December 2001, Israel presented U.S. peace envoy
11 Anthony Zinni with a list of 33 most wanted terrorists."

12 May I continue the next paragraph, your Honor?

13 THE COURT: Yes.

14 Q. "Five of these most wanted terrorists have been arrested by
15 Israel during operation defensive shield."

16 Number two on that list Nasser Aweis of Nablus. Does
17 that refresh your recollection?

18 A. Yes, I said April -- I was right, yes.

19 Q. Just looking at tab C Exhibit 3, between December of 2001
20 and April of 2002, did the PA have any trouble paying Nasser
21 Aweis?

22 MR. HILL: Objection.

23 THE COURT: Sustained as to the form of the question.

24 Q. Do these records reflect payment to Nasser Aweis during
25 that period?

FlmQsok3

Shrenzel - Direct

1 A. Payment --

2 MR. HILL: Objection.

3 THE COURT: Overruled.

4 A. Payment and promotions.

5 Q. And then after his arrest in April of 2002, looking at May,
6 June, July, August, September, all the way through the end of
7 2002 --

8 A. Yes, sir.

9 Q. -- are they keeping him on the payroll?

10 A. Of course.

11 Q. Why do you say of course?

12 A. Because he fought for his country, so why should he lose
13 his position as a result of a fight for his country.

14 MR. HILL: Objection, your Honor. Move to strike.

15 THE COURT: Overruled. You can cross-examine.

16 Q. Do you agree with that as a matter of --

17 A. With what?

18 Q. Do you think that's a good policy?

19 MR. HILL: Objection.

20 THE COURT: Sustained.

21 Q. Let me ask you this: I want to look at Exhibit 112 with
22 you.

23 A. Which tab, please?

24 Q. I'm sorry, I want to turn to tab E, Exhibit 140. What are
25 we looking at here?

FlmQsok3

Shrenzel - Direct

1 A. We have again his file in the general intelligence of the
2 PA.

3 Q. Let's turn to the third page in this document which is
4 9919T at the bottom.

5 A. Yes sir.

6 Q. I want to direct you to the part of the report that begins
7 right after the item that has been blacked out?

8 A. Yes.

9 Q. Do you see that?

10 A. Yes.

11 MR. YALOWITZ: May I read, your Honor?

12 THE COURT: Yes.

13 Q. "His financial status is good. Most of his relatives are
14 members of the Fatah movement. He was accused by the other
15 side in the Israeli court of founding the Al-Aqsa Martyr
16 Brigade and of planning and carrying out several operations.
17 He was sentenced to several life terms and is still imprisoned
18 by the occupation. He is a prisoner of the occupation and is
19 one of the commanders of the Fatah movement. He is good in
20 terms of security and morals."

21 Whose document is this?

22 A. The GIS document.

23 MR. YALOWITZ: May I consult with my colleague for
24 just one moment? I want to make sure I stay on course here,
25 your Honor.

FlmQsok3

Shrenzel - Direct

1 THE COURT: Yes, sir.

2 (Pause)

3 MR. YALOWITZ: Your Honor, I have one other thing I
4 want to do with regard to this individual, but I need to
5 discuss it with the Court. We can move ahead and come back or
6 we can break for lunch, whatever your Honor's preference is.

7 THE COURT: Why don't you move ahead and come back.

8 MR. YALOWITZ: Perfect. Thank you.

9 Q. Let's go to the next individual in our binder.

10 A. One minute, sir. I am not sure the jury is familiar with
11 Zinni list and what it entails. If you like, I can take it
12 through.

13 Q. I think they got it, and I don't think we need to do it
14 with you as well, but thank you. I think that the jury will
15 appreciate us moving forward.

16 Let's go to the next individual in your binder which
17 is Ibrahim Abdel Hai

18 A. Yes, sir.

19 Q. I want to cover him very briefly by asking you to look at
20 tab B in your binder. In particular, page 9 of tab B.

21 A. I have it in front of me.

22 Q. Looking at page 9, tab B, could you just read out the first
23 sentence of paragraph one under details of the offense for the
24 jury?

25 A. Yes. "During the course of his work in the Palestinian

FlmQsok3

Shrenzel - Direct

1 Naval Police, the defendant met Said Ibrahim Ramadan. During
2 one of the meetings, he told the defendant" --

3 Q. Actually, just stop there. I want to make sure we don't
4 cover something that the jury might not have before them.

5 What was Said -- I'm sorry -- what was Ibrahim Abdel
6 Hai's job according to this document?

7 A. He was also a policeman in the naval police in Nablus.

8 Q. According to his conviction, what did he do in connection
9 with this attack?

10 A. He recruited Said Ramadan and influenced him and presented
11 him, if I'm not mistaken, to Nasser Aweis, and then they -- and
12 as we say, the rest is history, sad history.

13 Q. Let's go and -- by the way, what was the role of Nasser
14 Aweis in this attack?

15 A. He was the one that dealt with Said Ramadan. He made the
16 connection with Ahmed Barghouti. He also saw that he was
17 transferred from the area of Nablus to Jerusalem. He had a very
18 prominent role in attack.

19 Q. Thank you.

20 Let's go to the next individual in our binders.
21 That's Majed al-Masri. So let me take you past Exhibit A and
22 let's look at Exhibit B. In particular, I want to -- before I
23 focus you on the document, if you could remind the jury what
24 his role was in the January 22 attack.

25 A. He was part of the team that was actually in Nablus. If I

FlmQsok3

Shrenzel - Direct

1 remember correctly, he was charged with filming Said Ramadan,
2 the video that we saw before.

3 Q. Now, let's go to our seventh page.

4 MR. ROCHON: Your Honor, counsel is referring to the
5 tab numbers. We need to do both to help the jury with the tabs
6 and exhibit numbers.

7 THE COURT: Let's keep the tabs and exhibit numbers
8 different. They're different tab numbers.

9 MR. ROCHON: This is 96.

10 THE COURT: This is Exhibit 96 in tab B.

11 A. What page, sir?

12 (Continued on next page)

F1M8SOK4

Shrenzel - direct

1 Q. So I am looking at 9495. It's got that little eagle logo
2 at the top.

3 A. Yes, sir.

4 Q. And then at the very top of the page it says Palestinian
5 National Authority?

6 A. Yes, indeed.

7 Q. That's the PA, the defendant in this case?

8 A. Yes.

9 Q. All right. What are they saying in this document about
10 Majed al-Masri?

11 A. That he is in the Israeli occupation -- sorry. He is in
12 the Israeli prison because he was fighting for his country. As
13 we have seen, it is a common formula.

14 Q. So let's look at tab C in our binder, which is Exhibit 36B.

15 A. I have it.

16 Q. What are we looking at in Exhibit 36B?

17 A. We see the payments for the years 2000 to 2002, his salary
18 as a policeman.

19 Q. What was his rank at the time of the January 1, 2002
20 terrorist attack for which he was convicted?

21 A. He was a captain.

22 Q. What was his salary as a captain?

23 A. 2,050 shekels.

24 Q. Where is he today, this guy Majed al-Masri?

25 A. I assume he is still in the Israeli prison.

F1M8SOK4

Shrenzel - direct

1 Q. Let's just turn over the page and take a look at his
2 comprehensive overview statement.

3 A. Yes. That lists his promotions. As you can see, he was
4 especially lucky, like his counterpart Nasser Aweis. He
5 received in 2010 a quite high degree, the rank of a colonel.

6 Q. Again, I am going to put this one on the elmo so we can see
7 exactly what we are talking about.

8 MR. ROCHON: Your Honor, I object to the use of
9 highlight, previously highlighted documents.

10 THE COURT: He can use the document, as long as the
11 record reflects it is highlighted.

12 MR. YALOWITZ: I will be glad to make sure that
13 everybody knows. I am just showing the jury a part of the
14 document on the screen, and I have circled and highlighted to
15 direct everybody's attention to the thing I wanted to ask
16 about.

17 Q. Now, I want to ask you, first of all, about July 17, 2004.
18 Is that before or after Majed al-Masri is convicted of murder?

19 A. It's after.

20 Q. What is the PA doing in this comprehensive overview
21 statement with Majed al-Masri?

22 A. As I said, in 2004 he is promoted to major, and in 2011 he
23 is promoted to colonel.

24 Q. Is that a jump in rank or is that a normal promotion?

25 A. This is a jump. He skipped at least one rank, one rank,

F1M8SOK4

Shrenzel - direct

lieutenant colonel.

Q. They are skipping him ahead?

A. That's the way it is.

Q. What was he doing in jail? Was he performing services for the PA in jail?

A. The truth is that they do, unfortunately, even in jail, but not, of course, on behalf of the agency in which they participated. He doesn't do any policing in the prison. He tries to continue his terrorist activity from prison.

MR. ROCHON: Objection, your Honor.

THE COURT: Overruled. Let's move on.

Q. I just want to direct you to the January 1, 2010 promotion.

A. Yes, sir.

Q. It says there "presidential orders"?

A. Yes.

Q. What does that mean?

A. Well, I'm not sure about it, but it might reflect --

MR. HILL: Objection, your Honor.

THE COURT: Sustained. If he doesn't know, he doesn't know.

Q. Now, do you know what it means?

A. I know what it means.

Q. All right. What does it mean?

A. It means that the president of the PA, in that time it's Abu Mazen, the current president, issued an order to promote

F1M8SOK4

Shrenzel - direct

1 him.

2 Q. Let me ask you this. I want to show you Exhibit 159.

3 A. Under which tab, sir?

4 Q. I am looking for it. I may have left that one out of the
5 binder accidentally.

6 Let's forge ahead then and look at 127, which is tab
7 D.

8 A. I am there, sir.

9 Q. What are we looking at in this document?

10 A. This is the document of the Palestinian police. It is from
11 2001, namely before the attack that we dealt with, and it lists
12 a series of offenses, discipline offenses and others, committed
13 by Majed al-Masri.

14 Q. There is paragraph 1 there in the middle of the page and it
15 says:

16 "Captain Majed al-Masri from the General
17 Investigations Administrations Bureau, Nablus, is penalized
18 with the following:

19 "Item 1. A final warning followed by dismissal should
20 he violate instructions."

21 Do you see that?

22 A. I do.

23 Q. What is the date of that final warning?

24 A. I see only 2001. Let me have a look on the other side.

25 On the original -- maybe that's the date it was faxed.

F1M8SOK4

Shrenzel - direct

1 It's unclear. Here I see only in the Arabic, I see September
2 5, 2001.

3 Q. Then there is a stamp. Is there a date on the stamp?

4 Let me see if I can put that on the elmo.

5 A. There is also a date on the stamp, OK. It says April 11.

6 So this was really the date of the faxing only. It was before.

7 His warning, penalized with a warning, happened on April 11,

8 2001.

9 Q. I just put something on the screen, Mr. Shrenzel. Is that
10 the stamp that you're looking at?

11 A. No, I looked at the English.

12 Now I look at the Arabic and it's clear that it is 11
13 of April 2001, the date.

14 Q. I have just highlighted the English part. Let's just all
15 look at the very front page of this Exhibit 127. I have
16 highlighted and circled paragraph 1.

17 MR. YALOWITZ: May I read, your Honor?

18 THE COURT: Yes.

19 Q. "A final warning followed by dismissal should he violate
20 instructions."

21 This warning came before he participated in the terror
22 attack that we are talking about?

23 A. Yes, sir.

24 Q. Was he dismissed following his conviction of that terror
25 attack?

F1M8SOK4

Shrenzel - direct

1 A. No.

2 Q. No?

3 A. Not at all. These are promotions and payments.

4 Q. What was his infraction that caused the PA to warn him that
5 he is going to be fired if he violates instructions?

6 A. At least in the legible part it says that he is accused of
7 firing a Kalashnikov, AK-47, on a public street in Nablus
8 without justification.

9 Q. Let's go next in our binder to Fares Ghanem, which I think
10 your Arabic pronunciation was like Fares Radnem?

11 A. My correction related to his first name Fares.

12 Q. Fares Ghanem.

13 I want to turn to tab -- well, tab A. Let's turn past
14 tab A, which is in the binder. We have been over that.

15 Let's go to tab B, which is Exhibit 85.

16 Do you have Exhibit 85 behind tab B before you?

17 A. I do.

18 Q. What are we looking at here?

19 A. This is his prisoner file.

20 Q. If we just turn the pages, what do we see in this table?

21 A. For this person, we have information for a much longer
22 period. The papers begin with 2012 and go down until 2002.

23 Q. Although the record ends with 2012, do you have an opinion
24 on whether he is continuing to be paid even to this day?

25 A. There is no reason to assume otherwise.

F1M8SOK4

Shrenzel - direct

1 Q. All right. Now, looking at the very bottom of this table,
2 I want to just look with you at the 2002 time period. Can you
3 turn to page 9368 in that exhibit?

4 A. Yes.

5 Q. So can you tell what his prisoner salary was in 2002?

6 A. 1,260 shekels.

7 Q. So he was getting more as a prisoner than like Said Ramadan
8 was getting as a police officer?

9 A. That's what the numbers reflect.

10 Q. Now, I just want to look with you also at Exhibit 146,
11 which is tab C.

12 A. Tab C, I am with you.

13 MR. YALOWITZ: I just want to make sure everybody is
14 on 146.

15 Q. Is this a document created by the Palestinian National
16 Authority?

17 A. Yes, it is.

18 Q. Who is it information about?

19 A. It's about Fares Ghanem.

20 Q. Same guy?

21 A. Fares Ghanem.

22 Q. Is that the same guy we have been dealing with in these
23 other documents?

24 A. Yes, it is.

25 Q. So I want to turn over the page and look at the report on

F1M8SOK4

Shrenzel - direct

1 him. We have got a report in sort of the middle of the page.

2 MR. YALOWITZ: May I read from it, your Honor?

3 THE COURT: Yes.

4 Q. The very first bullet: "The aforementioned is affiliated
5 with the Fatah movement.

6 The third bullet: "The aforementioned is a member of
7 the Al Aqsa Martyr Brigades."

8 Then the fifth bullet: "The aforementioned is from a
9 good family with an excellent financial situation. They own
10 excavators, bulldozers, and trucks."

11 Could I just turn back with you to his salary payments
12 behind tab B in Exhibit 85. Let's just flip back to the second
13 page of that tab, and let's just look at what he is making as
14 of 2012, what he is being paid as of 2012 for sitting in jail?

15 A. 6,450 shekels.

16 Q. 6,450?

17 A. Yes, sir.

18 Q. That's in 2012?

19 A. Yes.

20 Q. December of 2012?

21 A. Yes.

22 Q. I will do it one more time. Let's just flip back to 146,
23 tab C, second page.

24 Just tell us, what is the date of the report that says
25 he is from a good family with an excellent financial situation?

F1M8SOK4

Shrenzel - direct

1 Do we see the report date there in the upper right-hand corner?

2 A. December 6, 2012.

3 Q. 2012?

4 A. Yes, indeed.

5 Q. December of 2012, same date?

6 A. Same date.

7 MR. YALOWITZ: Your Honor, would it be convenient at
8 this time to take a break?

9 THE COURT: Yes, sir.

10 MR. YALOWITZ: OK. Great.

11 THE COURT: Ladies and gentlemen, we will take the
12 luncheon break. Don't discuss the case, keep an open mind, and
13 we will see you at 2:05. We will start promptly. Just leave
14 your books on your chair.

15 (Jury exits courtroom)

16 (Continued on next page)

F1M8SOK4

Shrenzel - direct

1 THE COURT: You can step down, sir.

2 Mr. Yalowitz, did you have something you wanted to
3 address?

4 MR. YALOWITZ: I think we do.

5 There is a video, which is Exhibit 716, and it's a
6 clip from PA TV, and it has a song and some photos of Nasser
7 Aweis glorifying him.

8 THE COURT: That's which one, 716?

9 MR. YALOWITZ: Yes.

10 THE COURT: You would like to use it with this
11 witness?

12 MR. YALOWITZ: I would like to use it with this
13 witness.

14 THE COURT: How long is it?

15 MR. HILL: 1 minute and 19 seconds.

16 THE COURT: Let me see it.

17 Does this have sound or without sound?

18 MR. YALOWITZ: Sound.

19 Wait a minute. This is not the version. Let us play
20 it, please.

21 (Videotape played)

22 MR. YALOWITZ: Your Honor, this is PA TV, which is
23 owned by the defendants.

24 THE COURT: What is the date of this?

25 MR. HILL: 2012.

F1M8SOK4

Shrenzel - direct

1 THE COURT: I am not going to allow it.

2 MR. YALOWITZ: OK. Glad we skipped over it.

3 MR. ROCHON: For the record, I checked with
4 Mr. Shrenzel's notes and have taken care of that issue. I have
5 nothing to raise with the Court at this time.

6 (Luncheon recess)

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F1M8SOK4

Shrenzel - direct

AFTERNOON SESSION

2:00 p.m.

(Jury not present)

THE COURT: Are we ready to continue?

MR. YALOWITZ: Yes, sir.

MR. HILL: Your Honor, I think there are a couple issues likely to come up this afternoon. The other ones mentioned in my letter from last night.

THE COURT: Which ones? Remind me which ones we haven't dealt with.

MR. HILL: We haven't dealt with category number 2.

THE COURT: Which is?

MR. HILL: It is this alleged PSS document about Wafa Idris. You will recall that your order required we lay a foundation for the document to come in. This witness was examined about the document at his deposition.

THE COURT: I'm sorry. I just don't know which document it is.

MR. HILL: Yes, your Honor. It is Exhibit number 233.

THE COURT: 233?

MR. HILL: Yes.

THE COURT: What is it supposed to be?

MR. HILL: It's supposed to be a preventive security service memo, but it was not produced by my clients. The plaintiffs contend that it was seized from my clients.

F1M8SOK4

Shrenzel - direct

1 THE COURT: Do you know which exhibit you attached to
2 your letter?

3 MR. HILL: I believe it was attached to last night's
4 letter, your Honor.

5 THE COURT: Last night's letter.

6 MR. HILL: Yes, sir.

7 THE COURT: Is it attached as an exhibit here? I have
8 here place holder for Exhibit 472. Is it before or after that
9 or is it not even near it.

10 MR. HILL: It's immediately before that page, your
11 Honor.

12 THE COURT: Immediately before that page?

13 MR. HILL: Exhibit 233.

14 THE COURT: The one that is signed or the notation is
15 Amna Aidiya, political security.

16 MR. HILL: Yes, sir.

17 THE COURT: What do you wan to do with this and how
18 are you going to do it?

19 MR. YALOWITZ: This is the letter that says -- you
20 know the letter right it's 233.

21 THE COURT: Yes.

22 MR. YALOWITZ: So the witness has examined it as part
23 of his report.

24 THE COURT: OK.

25 MR. YALOWITZ: He is going to explain what it is.

F1M8SOK4

Shrenzel - direct

1 THE COURT: How is he going to do that?

2 MR. YALOWITZ: Based on two things: Number one, the
3 seized document procedures.

4 THE COURT: He knows the seized document procedures?

5 MR. YALOWITZ: He knows how they seize documents.

6 THE COURT: How does he know that?

7 MR. YALOWITZ: From his experience.

8 THE COURT: As what?

9 MR. YALOWITZ: Working in the Israeli security agency.

10 THE COURT: OK.

11 MR. YALOWITZ: The second thing is, I think you
12 probably remember, Judge, this is the one where we gave it to
13 him in an interrogatory and said who are the people who signed
14 this, and they answered all -- they explained all the people
15 who signed it.

16 THE COURT: I only see one signature.

17 MR. YALOWITZ: Yes. I don't have it in front of me.
18 If you look at the Arabic there are all of these scribbles on
19 it.

20 THE COURT: That's not the English. The English says
21 it was signed by Amna Aidiya for political security. Have they
22 identified to you who that person was?

23 MR. YALOWITZ: They identified all the people who
24 received and signed that document as their people. That's in
25 an interrogatory so we will just have to introduce it.

F1M8SOK4

Shrenzel - direct

1 THE COURT: What did they say about this person?

2 MR. YALOWITZ: I am looking for the document. Can we
3 get it up on the screen? Bear with me, Judge.

4 THE COURT: When I looked at this document, I was
5 trying to figure out the date. The date of the attack is what?

6 MR. YALOWITZ: January 29 of '02.

7 THE COURT: No. I don't have a January 29.

8 MR. YALOWITZ: January 27.

9 THE COURT: January 27 of '02.

10 MR. YALOWITZ: You're using the card.

11 THE COURT: Yes, it's a fancy card. I think I know
12 why you're trying to offer it, but I'm not sure why you want to
13 argue what it says. It says "At the night in which it was
14 revealed that the person who carried out the attack was Idris
15 and before anyone claimed the responsibility for the attack
16 that the brother called."

17 MR. YALOWITZ: Right.

18 THE COURT: Are you arguing that this reveals that
19 before anybody else knew she was the attacker, they knew she
20 was the attacker?

21 MR. YALOWITZ: Right, that this guy Tirawi had inside
22 information.

23 THE COURT: That's not what it says. It says "At the
24 night in which it was revealed that the person." I read that
25 as they said that this was the person who did the attack. But

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Shrenzel - direct

1 no one had yet taken responsibility for it. That is not the
2 sequence of events as you know them?

3 MR. YALOWITZ: Right. The way I read this document is
4 that it was not revealed before the claim of responsibility who
5 the attacker was, and that Tirawi was trying to keep it quiet,
6 and in return for the family keeping it under wraps, he was
7 willing to facilitate the brother's visit to Jordan. So this
8 is consciousness -- this is signs of a coverup which -- from
9 which the jury could infer culpability.

10 THE COURT: I'm not sure that is as clear as you say
11 it is, but this is going to be described as what? By, I assume
12 this witness?

13 MR. YALOWITZ: Yes.

14 THE COURT: He is going to describe it as what?

15 MR. YALOWITZ: As a document from the PA recording the
16 information in the letter.

17 THE COURT: A document from the PA meaning what?

18 MR. YALOWITZ: Meaning that it was prepared by the PA.
19 It was prepared by Palestine National Authority preventive
20 headquarters.

21 THE COURT: And he knows that?

22 MR. YALOWITZ: From reading the document.

23 THE COURT: Is he going to testify as to how it was
24 obtained?

25 MR. YALOWITZ: I wasn't planning to do it that way.

F1M8SOK4

Shrenzel - direct

1 He might know how they seize documents, but the real basis for
2 authenticity in this case is we gave it to them in an
3 interrogatory and said, "Who are these people?" And they
4 didn't come back and say, "Oh, this document is a fake."

5 THE COURT: I need to see what you asked them and what
6 they responded. Do you have that? Just direct my attention to
7 a paragraph.

8 MR. YALOWITZ: Sure.

9 THE COURT: If you can tell me what the question was
10 and what the answer was.

11 MR. YALOWITZ: Sure. If you look on page 5, these are
12 our specific definitions, PA, PLO, defendants, and then if you
13 flip over, letter means and refers to the letter attached as
14 Exhibit A.

15 THE COURT: Where am I looking? OK. Which
16 interrogatory?

17 MR. YALOWITZ: It's just one interrogatory.

18 THE COURT: Which interrogatory?

19 MR. YALOWITZ: And then the letter attaches Exhibit A
20 is 233. We just have it in a different document. I don't
21 think there is going to be any dispute about that.

22 THE COURT: Wait. I'm sorry. You are talking about
23 on page 8?

24 MR. YALOWITZ: Right, 6 -- right. And then page 8
25 they give the names of all these people who based on an

F1M8SOK4

Shrenzel - direct

1 investigation conducted to date, defendants provide the
2 responsive names. WAFA --

3 THE COURT: This is responsive to what request?

4 MR. YALOWITZ: To the question: Provide the full
5 names and identification numbers of the relevant persons.

6 THE COURT: But I don't see this person's name here.
7 Is this person who is on this document on this list?

8 MR. YALOWITZ: Yes. Bear with me. He is the fourth
9 bullet down. They spell it a little differently in the
10 English. They've got him Amna Mohammad Abdullah Rehan.

11 THE COURT: What makes you think that is Amna
12 Al-Riyadh (ph.)?

13 MR. YALOWITZ: It's got a different name.

14 THE COURT: My assumption would be if it's a different
15 name, it's a different person.

16 MR. YALOWITZ: Yes.

17 THE COURT: That could tip me over the top here if you
18 could tell me that they identify this person and you know who
19 this person is through this document. I'm not sure that that
20 would be the determinative factor, but it sure would make it a
21 lot easier if you tell me they said that that's who this person
22 is.

23 MR. YALOWITZ: It would and --

24 THE COURT: I remember we had this discussion before,
25 and that is what you represented to me, but I don't see it. Do

F1M8SOK4

Shrenzel - direct

1 you want to look at this further?

2 MR. YALOWITZ: Yes, I need to look at it further.

3 Frankly, I need somebody who is an Arabic reader to look at the
4 Arabic and just make sure I've got it right, because if you
5 just flip over to the last page, your Honor, you see there is a
6 whole bunch of handwriting on the side with people's names in
7 Arabic. Then what the defendants have done is they have
8 identified those people in this interrogatory. And because I'm
9 not an Arabic reader, I can't link it up for you --

10 THE COURT: That was done awkwardly since the person
11 you say have been identified is not the person who is in the
12 English translation that you want to put before the jury.
13 There may be a hundred other people on the Arabic, but that is
14 not what's on the English translation.

15 MR. YALOWITZ: I need to consult on this one, Judge.
16 I want to really make sure we have the right record on this
17 document. I want to make sure that I have the right
18 information for your Honor.

19 THE COURT: You are representing to me that the other
20 handwritten names on this document --

21 MR. YALOWITZ: I believe that's correct, but I really
22 want to --

23 THE COURT: It's not on the translation.

24 MR. YALOWITZ: I know. I'm trusting my memory here,
25 and I want to get somebody who can look at the document.

F1M8SOK4

Shrenzel - direct

1 THE COURT: You have to give me more information
2 before you can attempt to use this document. If you can give
3 me some greater detail on that, I am willing to be persuaded.

4 MR. YALOWITZ: All right. Thank you, your Honor.

5 THE COURT: Mr. Hill?

6 MR. HILL: Category three additional videos and
7 newspaper articles.

8 THE COURT: Give me by exhibit number.

9 MR. HILL: It's 472, 684, 686, 687, 688, 692. You've
10 already excluded 768.

11 MR. YALOWITZ: I'm sorry, your Honor. I don't have a
12 copy of Mr. Hill's letter because I thought we were done with
13 his letter.

14 MR. HILL: I have a copy, counsel.

15 MR. YALOWITZ: If I could just indulge because I want
16 to make sure we are right on this. Judge, did you rule on this
17 video clip of the music video of Wafa's.

18 THE COURT: Yes, it wasn't particularly persuaded.
19 Did I see that? I don't think I saw it.

20 MR. YALOWITZ: I don't think you saw it either. It's
21 a video made in 2002 and they aired it on PA TV and it's got a
22 song saying Wafa you're great.

23 THE COURT: Who made the video.

24 MR. YALOWITZ: I don't know who made it, but I know
25 who aired it, which is PA TV.

F1M8SOK4

Shrenzel - direct

1 THE COURT: It's supposed to be what?

2 MR. YALOWITZ: It's a video saying Wafa Idris who blew
3 herself up is a national heroine.

4 THE COURT: How long is that?

5 MR. HILL: That was one minute 21 seconds long, your
6 Honor.

7 THE COURT: Can I see part or all of that?

8 MR. HILL: Can you play Exhibit 472?

9 MR. YALOWITZ: I just don't remember whether you ruled
10 on that one.

11 (Videotape played)

12 THE COURT: I don't want to be facetious about it. Is
13 it supposed to be MTV? Is this entertainment or news or what
14 do you claim it is?

15 MR. YALOWITZ: So PA TV is an official television
16 station of the defendants. So people watch it to see what
17 their policies reflect.

18 THE COURT: They watch it for other reasons too, I
19 assume.

20 MR. YALOWITZ: They might. OK, yes, but it's not --

21 THE COURT: I assume they watch it, it has some
22 entertainment value too.

23 MR. YALOWITZ: Not much, apparently.

24 THE COURT: I don't know. I don't know what this is.
25 What do you contend that this program is? You don't contend

F1M8SOK4

Shrenzel - direct

1 this is a news program.

2 MR. YALOWITZ: No. This is a program that that TV
3 station played, and it glorifies Wafa. It says Wafa is great.

4 THE COURT: I understand that. They are airing a
5 performance of a song at some event. What do you contend that
6 they are airing?

7 MR. YALOWITZ: It is like a national concert or
8 something.

9 THE COURT: Well, that's what I'm saying. I wasn't
10 really being facetious. When I say MTV, I mean is this like
11 some entertainment, music entertainment program?

12 MR. YALOWITZ: Right. But they didn't play it once.
13 They played it over and over again.

14 THE COURT: And they played it for something other
15 than entertainment value?

16 MR. YALOWITZ: Right. They're playing it, we contend,
17 because they approve of her actions, and it is an example of
18 glorifying somebody who committed a terrorist act. So it goes
19 to state of mind, and it goes to ratification.

20 THE COURT: I understand your argument, but it would
21 be like, I think if I remember correctly, many years ago, there
22 was a song by an entertainer maybe Ice-T or somebody who is now
23 on Law and Order, criticizing the police. And he sang this
24 song, it was some rap song and the police department was
25 particularly upset about it. I don't want to mischaracterize

F1M8SOK4

Shrenzel - direct

1 it. Kill the police, or something like that. So you would say
2 that if that was aired on New York City TV station, that that
3 would represent the policy of New York City? Is that what you
4 are trying to argue?

5 MR. YALOWITZ: I guess I would change the analogy a
6 little bit. So if somebody who worked for like -- I live in
7 Westchester County. We have like a county-owned TV station or
8 something.

9 THE COURT: Right.

10 MR. YALOWITZ: It's owned by the county. The county
11 gets to decide what's on it.

12 THE COURT: Right.

13 MR. YALOWITZ: So if there was like a county employee
14 who killed civilians and then on the county-owned TV station
15 which people don't really watch for, you know, fun, they watch
16 it because they're interested -- it may be fun for them, but
17 people watch it, and on the county-owned station, every day or
18 repeated -- I don't know how often. I don't want to say every
19 day, but repeatedly there was a music video saying what this
20 person did was terrific and we're really proud of him, that
21 would be some evidence that they approve of what he did.
22 That's my theory of why I want to offer that.

23 THE COURT: You don't know if this is a broadcast of
24 some concert or some event that took place? I don't even know
25 what context you say this was played.

F1M8SOK4

Shrenzel - direct

1 MR. YALOWITZ: Somebody knows, not me, what it was.
2 It's knowable what it was.

3 THE COURT: Is it knowable in this courtroom that I
4 can know it or the jury can know it?

5 MR. YALOWITZ: I think it may be knowable right this
6 minute.

7 THE COURT: I am not persuaded that you can simply say
8 that somebody at some event where somebody is performing, and I
9 assume performing their own song, not the national anthem, that
10 I can attribute that to the PA or the PLO because they aired
11 it.

12 MR. YALOWITZ: Frankly, what I think we should do with
13 this, because this video is originally Marcus video, so what I
14 would like to do is we won't play it with Shrenzel. Let's deal
15 with it, if ever, if we need to put on the rebuttal case.

16 THE COURT: If we have to revisit it, we will.

17 MR. YALOWITZ: I understand the Court's position based
18 on this.

19 THE COURT: This is from PA watch or whatever it is.

20 MR. YALOWITZ: Yes, Palestinian media watch.

21 THE COURT: I am not even sure who collected this and
22 where they collected it from. You say they aired it a lot. I
23 don't know what basis you're saying it was aired once, ten
24 times, a hundred times, who aired it, who made the decision to
25 air it this time.

F1M8SOK4

Shrenzel - direct

1 MR. YALOWITZ: And really the person in the best
2 position to address all of that is Marcus.

3 THE COURT: Well, my position is that it's out and out
4 for all purposes unless you can get Marcus to convince me and
5 at that point in the trial it seems it is relevant to an issue.
6 I think it is just blemishing them with every bad act that
7 happened or everything that you say is complimentary of a
8 terrorist act on a TV station.

9 MR. YALOWITZ: So let's reserve it for Marcus.

10 THE COURT: I'm doing more than reserve it. I'm
11 saying no unless you convince me otherwise through Marcus.

12 MR. YALOWITZ: I understand that to be the same thing
13 at this point.

14 THE COURT: I don't.

15 MR. YALOWITZ: Let me tell you why --

16 THE COURT: As you said to me before, keep an open
17 mind? No. My mind has been closed. If you want to reopen it,
18 you can. But my mind, this is it. I'm not going to revisit it
19 ten times unless you give me some new information.

20 MR. YALOWITZ: Let's move on.

21 MR. HILL: There are other five newspaper articles.

22 THE COURT: Are we getting to any of these any time
23 soon?

24 MR. YALOWITZ: We're not going to offer them.

25 THE COURT: Then let's move on. Let's get the jury.

F1M8SOK4

Shrenzel - direct

1 MR. YALOWITZ: I did want to consult with the witness
2 about 233.

3 THE COURT: Whatever you want. Talk to him.

4 MR. HILL: It should be removed from the binder.

5 MR. YALOWITZ: We are not going to give anything to
6 the jury unless it's in evidence so --

7 (Pause)

8 MR. ROCHON: Your Honor, I may have misunderstood.
9 I'm not sure counsel is in compliance with the Court's order.
10 What are we doing now?

11 THE COURT: He's in the middle of his examination.
12 He's not finished. He can say whatever he wants to.

13 MR. ROCHON: I recognize he's in consultation with his
14 witness, and he is still in examination. That's why I didn't
15 join him.

16 THE COURT: The jurors are waiting.

17 MR. YALOWITZ: I think we are going to have to pass
18 over this now and come back to it at the next break because the
19 jury is waiting.

20 THE COURT: Let's bring the jurors in.

21 (Continued on next page)
22
23
24
25

F1M8SOK4

Shrenzel - direct

1 (Jury present)

2 THE COURT: Mr. Yalowitz.

3 MR. YALOWITZ: Thank you, your Honor.

4 BY MR. YALOWITZ: CONTINUED

5 Q. I think we are ready to go back to the binders. If I could
6 ask everybody to turn to the second to last tab in the binder
7 which is Muhammad Abdullah.

8 Are you there, Mr. Shrenzel?

9 A. Yes, I am.

10 Q. Muhammad Abdullah -- let's go past his photograph and past
11 the conviction in A and B and let's take a look at tab C. Just
12 tell the jury what we're looking at in tab C.

13 MR. ROCHON: To make sure the record is correct,
14 Exhibit 66.

15 A. This is Exhibit 66 and this is a prisoner file of this
16 person.

17 Q. Is this Muhammad Abdullah?

18 A. Yes, Mohamed Sami Ibrahim Ahmed Abdullah.

19 Q. If we just look at the first few pages, what are we looking
20 at here?

21 A. We are looking at his prisoners locations, according to the
22 order of the pages from 2012 from 2002.

23 Q. So he is -- if we go to 2002, October of 2002, how much was
24 his prisoner salary?

25 A. It is written here 1140 shekels.

F1M8SOK4

Shrenzel - direct

1 Q. If we flip back to the last month on which we've got a
2 record on December of 2012?

3 A. Of the location has risen sharply and now it's 6350
4 shekels. Not a bad salary even in Israeli terms.

5 THE COURT: You have to keep your voice up.

6 A. Not a bad salary even in Israeli terms.

7 Q. Let's go to tab D and look at Exhibit 136. What are we
8 looking at here?

9 A. This is the general intelligence file information about
10 this person again Palestinian general intelligence that belongs
11 to the PNA.

12 Q. If we just turn the page, we see will text of a report on
13 him. Do you see that?

14 A. I see.

15 Q. I just want to focus you on the first and the third bullet.
16 What are we seeing in the first bullet?

17 A. It says that he is a member of the Fatah movement, and it
18 says his date of arrest or at least the year of his arrest.

19 Q. And then what are we seeing in the third bullet?

20 A. A description of his crimes, murders and that he committed
21 also with others and alone. There are a few illegible names
22 but it's known that his sentence, as I explained, it's related
23 to his case and to other cases.

24 Q. And these individuals, according to the PA that he
25 participated in murders with what organization were they

F1M8SOK4

Shrenzel - direct

1 members of, according to the PA?

2 A. Al-Aqsa Martyr Brigade.

3 Q. Thank you. Let's go to the fellow in our binder Muhammad
4 Mousleh. What was his role in this particular terrorist attack
5 January 22?

6 A. As it says on the chart, he was one of the members of the
7 preparatory team. He spoke with him. He gave him food. He
8 maybe also dealt with the weapons maybe. I don't remember
9 exactly what he was, but he was one of those who prepared him
10 in Nablus for the act of terror in Jerusalem. But I really
11 need to look at this a little bit in more detail.

12 Q. Why don't we begin on him with tab F in our binder?

13 A. F.

14 Q. F like Frank.

15 A. Yes. I would like to correct something. He was in the
16 preparatory team that dealt with the shooter in Ramallah in the
17 headquarters of the PA in Ramallah.

18 Q. I see.

19 A. Not in Nablus because he worked for the legislative
20 council.

21 Q. I see. Thank you for that. That is great.

22 Now, have you had a chance to look at tab F in your
23 binder which is Exhibit 159?

24 A. Yes. This is again GIS document. This is a security check
25 for the political file. This is done probably quite regularly

FLM8SOK4

Shrenzel - direct

1 for prisoners who continue to be faithful to the organization
2 that they belong to, etc.

3 Q. So just looking at the front of 159, I want to direct your
4 attention to the fourth line of that chart.

5 A. Which page, please?

6 Q. It's the first page of 159.

7 A. Yes, sir.

8 Q. I'm looking at it says the fourth line after identity card,
9 mother's name, date of birth, it says political affiliation?

10 A. Al-aqsa martyrs.

11 Q. Al-aqsa martyrs?

12 A. Yes, sir.

13 Q. Then it says wing. What does that mean?

14 A. I believe this is just a formality because all those who
15 belong to the Al-Aqsa Martyrs' Brigades are engaging in the
16 Palestinian military activity, and of course this is seen by me
17 as a witness as a terrorist activity.

18 Q. Then below that we have some information about him. What
19 is the information about him that --

20 A. There is information about education, about where was his
21 school, and of course now that he is in prison and was
22 sentenced to nine life terms. And, again it stresses that he
23 belongs to al-aqsa martyrs.

24 Q. If we could turn five pages on to the page that end in like
25 10001?

F1M8SOK4

Shrenzel - direct

1 A. I have it, sir.

2 Q. That says confidential Palestinian National Authority at
3 the top?

4 A. Yes.

5 Q. I think just for the jury that word confidential was put on
6 there by the lawyers?

7 MR. ROCHON: Agreed.

8 MR. YALOWITZ: Mr. Rochon can check me on that.

9 MR. ROCHON: We agree.

10 Q. Now, in the middle, it says, "Subject: Security check."
11 If Mr. Kelly could help me turn on the Elmo, I just want to
12 show the jury one thing about this. First of all, I want to
13 look at the very bottom of the page. I highlighted it here.
14 It says, "He was one of the Fatah military activists in the
15 region."

16 Do you see that?

17 A. Yes.

18 Q. Why does it say the Fatah military activists here and then
19 earlier in the report it says al-aqsa was his affiliation?

20 A. My sense is it's basically the same. Nobody disputes that
21 al-aqsa is a wing of Fatah, so I don't have -- it's just a
22 matter of phrasing or -- again, I agree to everything it says
23 other than the word military. That I would substitute for
24 terrorist.

25 Q. And then what is the PA's conclusion of this man's security

F1M8SOK4

Shrenzel - direct

1 status?

2 A. Good.

3 Q. And what is the PA's conclusion of this man's moral status?

4 A. Good as well.

5 Q. And what is the date of this report?

6 A. The date of this report is from June 2004.

7 Q. By June of 2004, had this man already been convicted of
8 murdering civilians?

9 A. Yes, sir.

10 Q. What did the PA do with regard to this man convicted of
11 murdering civilians after he was arrested? Let's go to tab E
12 Exhibit 109. What do we have here?

13 A. We have here a summary of salaries or allowances that he
14 got from the legislative council where he was employed.

15 Q. Does this go past the date of his conviction?

16 A. Of course. The chart that we have ends in we have also for
17 2006, 2007, just in a different order, 2010 and 2012. The last
18 one is from 2012.

19 Q. How much are they paying him in monthly salary as of 2012?

20 A. 4276 -- 77 shekels.

21 Q. Is he performing any services for the legislative council?

22 A. Not at all.

23 Q. Is his salary continuing even to this day?

24 A. There is no reason to assume otherwise.

25 Q. Let me just make sure I covered what I want to in this

F1M8SOK4

Shrenzel - direct

1 binder. I think we've done enough with this individual
2 Muhammad Mousleh.

3 What I would like to do now is collect those binders
4 from the jurors -- before I collect them, we can just close
5 them?

6 THE COURT: You can just set it under your seat.

7 MR. YALOWITZ: Actually, that's the best thing. If
8 you all just put them on the floor right behind you or in front
9 of you so you won't trip over them. We'll collect them at the
10 next break so we don't have to bother you.

11 Q. So having looked at these documents about the January 22
12 attack, can you relate them to the policies that you studied
13 that the PA has with regard to terrorism?

14 MR. ROCHON: Objection, your Honor. The documents
15 speak for themselves.

16 THE COURT: I'm sorry. Would you give me the question
17 again?

18 Q. Sure. Can you relate the documents that we've just been
19 through to the policies of the PA with regard to terror as you
20 understand it?

21 MR. ROCHON: Objection.

22 THE COURT: I'm going to sustain the objection as to
23 form.

24 MR. YALOWITZ: Thank you, your Honor.

25 Q. Now, do you have some views -- just generally yes or no --

F1M8SOK4

Shrenzel - direct

1 do you have some views on the relationship between these
2 individuals and the PA with regard to terror?

3 MR. ROCHON: Objection, your Honor.

4 THE COURT: Overruled.

5 A. Yes, sir, I do have some opinions about this issue.

6 Q. Could you share those with the jury, please.

7 A. Yes. This is a clear example of the close links between
8 the PA and Al-Aqsa Martyr Brigade; namely, Fatah in the region
9 of those activities. We have here I think six, six members of
10 the squad are PA employees. If I am mistaken, if it's five, it
11 still doesn't matter so much. And all of them get paid by the
12 PA. Some of them get promotions and the promotions are very
13 impressive. Two of them are colonels. In addition to that,
14 it's worth noting that especially in this case, we see very
15 senior activities of Al-Aqsa Martyr Brigade/Fatah involved in
16 that attack. There were at least regional commanders,
17 especially Nasser Aweis, in the Nabus area, Barghouti in
18 another area, and we saw that even in one of the Palistinian
19 documents, it says about one of them that he was a founder of
20 the Al-Aqsa Martyr Brigade.

21 Then we have, of course, the words of praise written
22 by the Palestinian Authority and various agencies. We saw that
23 they consider them fighting for their country. They consider
24 him having very good morals, and much more than that.

25 And I believe that in previous testimony also there

F1M8SOK4

Shrenzel - direct

1 was examples of the link between PA and Fatah, so I don't want
2 to go any depths into the money transfers, but those are some
3 basic identity between the PA and Fatah. OK.

4 Q. Thank you very much. You reminded me, there was one thing
5 I had meant to come back to right before we took a break, which
6 has to do with Nasser Aweis. I don't think we need to ask the
7 jury to pull those binders back out but do you recall
8 Mr. Shrenzel the promotion history of Nasser Aweis after he got
9 put in jail for murder?

10 A. Yes, we said that he Nasser Aweis was promoted twice, to
11 the rank of colonel, a person that serves 14 life imprisonment.

12 Q. Did he skip some ranks and get promoted faster than normal?

13 MR. ROCHON: Asked and answered.

14 THE COURT: Overruled.

15 A. I have to look, but in any of those colonels, I didn't see
16 the rank of lieutenant colonel.

17 Q. For those of us who aren't really familiar with military
18 terminology, what kind of a rank is colonel in terms of
19 seniority?

20 A. It's quite senior. Actually, with all due difference, I
21 also was appointed myself as a colonel. So, yes, of course
22 it's not number one, but it's not simple soldier. It's not a
23 junior officer. It is a very high officer.

24 Q. Now, what I would like to do is give you a binder relating
25 to another one of our attacks and just ask you some questions

F1M8SOK4

Shrenzel - direct

1 about it. Could you open the binder that I placed before you.

2 Your Honor, this one has the title March 21, 2002 --

3 A. No, this is a mistake.

4 Q. 4:20 p.m.

5 A. No. We are on the 21 --

6 THE COURT: Speak up. I'm sorry.

7 A. I think that we should deal with the 27th.

8 Q. I promise you, and the ladies and gentlemen of the jury, I
9 promise, we are going to get to the 27th. There is just one
10 thing I need to talk to the judge about with regard to that one
11 and I don't want to waste the jury's time now. I want to move
12 them right along?

13 A. I'm sorry for that.

14 Q. That's OK. I know we were going to go in chronological
15 order, but we will cover that one?

16 A. Just that we cover all the dates.

17 Q. So could you just open the index of the March 21 binder?

18 A. Yes, sir.

19 Q. Do you have it?

20 A. I have it in front of me.

21 Q. Could you describe generally for the Court the types of
22 records that are in the binder?

23 A. Yes. Basically, the facts in this case are based on the
24 same criteria that was represented in the previous case;
25 namely, martyr file, employment records, GIS files, also a

F1M8SOK4

Shrenzel - direct

1 letter. This is a unique piece of information that we have a
2 letter from -- between -- going from Tafiq Tirawi, head of the
3 general intelligence service to Arafat.

4 Q. That's to Yasser Arafat?

5 A. Yasser Arafat, of course. Yes.

6 Q. OK.

7 A. And the usual things, the indictments, the verdicts and the
8 sentencing.

9 MR. YALOWITZ: Your Honor, plaintiffs move the
10 documents contained in the March 21, 2002 binder in evidence.

11 MR. ROCHON: Subject to prior, no objection.

12 THE COURT: Sure. It will be admitted into evidence.

13 MR. YALOWITZ: Your Honor, I should also reflect that
14 the binders also contains some photographs that were admitted
15 in evidence earlier.

16 Let's begin by describing the attack generally and
17 then we'll hand out the binders to the members of the jury

18 A. So on that date March 21, 2002, a terrorist equipped with
19 an explosive belt detonated himself in the King George Street
20 in Jerusalem. Again it's a very central street in Jerusalem.
21 It's really, I don't know, 100, 200 meters from where the
22 previous attack occurred. And the result was that three people
23 were killed and more than a hundred were wounded.

24 (Continued on next page)

F1M8SOK6

Shrenzel - direct

1 MR. YALOWITZ: OK. I am going to hand out those
2 binders with the Court's permission.

3 THE COURT: Yes.

4 MR. YALOWITZ: That's great. Let's hand them out.

5 May I approach the witness, your Honor? I just want
6 to make sure he has one of these cards.

7 BY MR. YALOWITZ:

8 Q. I know we have gone out of order. Which attack on your
9 summary are we on now?

10 A. The March 21 on King George Street bombing, and the
11 plaintiffs are members of the Bauer family.

12 Q. So that's the third one down on your list?

13 A. Yes, it is.

14 Q. I promise we will come back to the January 27 one. I am
15 sorry for that little miscue there.

16 A. Fine.

17 Q. Let's start with Mohamed Hashaika. We can look at his
18 picture. He is right behind the very first tab. Just tell us
19 who he was.

20 A. He was a member of the Palestinian police, and he is the
21 one that detonated himself in this attack.

22 Q. Now, what was going on with Hashaika during February and
23 March 2002?

24 MR. ROCHON: Objection, your Honor.

25 THE COURT: Sustained as to the form.

F1M8SOK6

Shrenzel - direct

1 Q. Do you have any information about Hashaika's arrest --

2 MR. ROCHON: Objection, your Honor.

3 Q. -- by the Palestinian Authority?

4 MR. ROCHON: Objection, your Honor.

5 THE COURT: You can answer.

6 A. It's a bit complicated story but a very interesting one,
7 and I think it contributes to our case so I will go on and
8 describe it.

9 This fellow Hashaika, he was, as I said, a member of
10 the police, and he looked for opportunities to carry out a
11 suicide attack. He first contacted the Islamic Jihad, and he
12 went out on a mission to carry out an explosive attack, a
13 suicide attack on, as we understand it, the 10th of February
14 2002. Probably it was some kind of a joint venture between the
15 PIJ and Fatah.

16 Now, this attack was not carried out. He was sitting
17 in a vehicle with Nasser Shawish and, as we understand from
18 various sources, they decided not to carry it out, probably
19 because of Israeli checkpoints and other obstacles to carrying
20 out of this attack.

21 Q. So did he wind up getting arrested by the Palestinian
22 Authority police?

23 A. Yes. So the Palestinian police or Palestinian preventive
24 security arrested him and Nasser Shawish.

25 Q. Can we just go to a document on that which and then --

F1M8SOK6

Shrenzel - direct

1 A. Promise me to complete the story.

2 THE COURT: Listen to the question first. Let's go
3 question by question.

4 Q. Let's go to tab F.

5 A. Yes.

6 Q. We are looking at Exhibit 1060. Just tell the jury what
7 this document is and how it relates to the arrest of Mohamed
8 Hashaika and Nasser Shawish.

9 A. Yes. We already mentioned this before. This is a letter
10 from Tawfiq Tirawi, the head of the Palestinian General
11 Intelligence in the West Bank.

12 Q. Is that the same Tawfiq Tirawi we heard about from Mr.
13 Eviatar?

14 A. Yes, it is.

15 Q. OK.

16 A. He is informing, no less than Yasser Arafat himself, about
17 the arrest of what he calls persons that belong to the Islamic
18 Jihad. The subject of the letter is Islamic Jihad. If you
19 like, I could read it.

20 Q. Why don't you go ahead.

21 Before we go there, let's just make sure we are
22 oriented on the document. Where do we see Tawfiq Tirawi's
23 signature?

24 A. His signature is on the bottom, under the heading Head of
25 General Intelligence Northern Governorates. This means the

F1M8SOK6

Shrenzel - direct

1 West Bank. Then Tawfiq Tirawi and the signature.

2 Q. If we just flip to the very last page of that exhibit, will
3 you just direct the jury to where that Tawfiq Tirawi signature
4 is on the Arabic version.

5 A. Yes. It's quite a complicated signature, but in the left
6 side, on the left side of the Arabic, on page 010270.

7 Q. Is it at the very bottom corner?

8 A. The bottom left corner.

9 Q. Now, just to make sure we are oriented, at the very top it
10 says, "His excellency brother, president and general commander,
11 may Allah protect him."

12 Who is that that is being addressed in that statement?

13 A. The president and general commander, Yasser Arafat,
14 president of the PA, chairman of the PLO, and head of the Fatah
15 organization.

16 Q. What was the relationship between Tawfiq Tirawi and Yasser
17 Arafat in terms of reporting structure?

18 A. I cannot point to a certain clear pattern, but one may
19 assume that he was very close to Arafat and he reported to him
20 on a regular basis. As we got the documents, if I remember
21 correctly, we have this very clear document in this case.

22 Q. I don't want you to assume things that you don't know.
23 Just based on this document, what is happening?

24 A. So let me read the letter.

25 Q. Please go right ahead.

F1M8SOK6

Shrenzel - direct

1 A. The subject is Islamic Jihad.

2 "The person, who wanted to perpetrate a suicide
3 operation, of whom I told your Honor yesterday, was arrested
4 today in Tulkarm. The arrest took place in the afternoon in
5 cooperation with the brothers from the preventive security.

6 "The person was:

7 "1. Mohamed Mashhur Mohamed Hashaika, who was born in
8 Taluza in 1981.

9 "Two other men were arrested along with him. The two
10 recruited him, equipped him, and were about to transfer him
11 across the Green Line:

12 "2. Nasser Jamal al-Shawish, who was born in
13 al-Fari'ah in 1971.

14 "3. Saleh al-Bukhari, who was born in Nablus in 1976.

15 "They are all being interrogated.

16 "The matter is at your excellency's discretion.

17 "Please accept my utmost request."

18 And then the signature, the title and the signature.

19 Q. So I interrupted you when you were describing the facts
20 related to Hashaika based on this document. Did we cover the
21 material that you had wanted to cover?

22 MR. ROCHON: Objection, your Honor.

23 THE COURT: Overruled.

24 You can answer.

25 A. Not yet. I wanted to take the story from here, if it's

FlM8SOK6

Shrenzel - direct

1 possible.

2 Q. Let's do it question by question.

3 A. It's up to you.

4 Q. OK. Great. That's better.

5 What I want to ask you about is, what information do
6 you have, based on the documents before us, about what happened
7 next with Hashaika?

8 A. Yes. He was put in a Palestinian jail together with
9 Shawish, but we have information from those involved, from the
10 interrogations of those involved --

11 MR. YALOWITZ: Your Honor, may I just ask that
12 the -- I want to make sure the witness doesn't get into
13 territory that --

14 THE COURT: Why don't you go question by question and
15 ask direct specific questions.

16 MR. YALOWITZ: Thank you, your Honor.

17 Q. Now, actually, what I would like to do is bring you to a
18 document that I think will help us move the story forward.

19 What I would like to do in that regard is I am going
20 to take a page from Exhibit 356, which is in the jury's binder.

21 Just for the record, Exhibit 356 is the indictment of
22 Abdel Karim Ratab Yunis Aweis.

23 I am going to put this on the elmo and we can look at
24 it together. It's page 35 of that indictment, which is tab B
25 behind the Abdel Karim Aweis attack.

FLM8SOK6

Shrenzel - direct

1 A. Which tab, sir?

2 Q. It's tab B, behind Aweis, page 35. I bet I can make it
3 clearer.

4 MR. YALOWITZ: May I read, your Honor?

5 THE COURT: Yes.

6 Q. This is paragraph 3.

7 "In early March 2002, Mohamed Hashaika was remanded in
8 the Mukata'ah complex of the Palestinian Authority in
9 Ramallah."

10 Now, I just want to ask you, what is the Mukata'ah
11 complex?

12 A. Mukata'ah is the basic compound of the center of the
13 headquarters of the Palestinian Authority, where the offices of
14 Arafat are, where are also many offices of various agencies of
15 the PA.

16 Q. Then it says, "Following the request of the defendant.

17 Who is the defendant here?

18 A. Abdel Karim Aweis.

19 Q. "Following the request of the defendant, who is --" I think
20 this should say in -- "who is in the general intelligence of
21 the Palestinian Authority, Mohamed Hashaika was released from
22 the said remand."

23 So just explain to the jury what is happening to
24 Mohamed Hashaika based on the request of Abdel Karim Aweis.

25 MR. ROCHON: Objection, your Honor.

F1M8SOK6

Shrenzel - direct

1 THE COURT: Overruled.

2 You can answer.

3 A. He was basically released from prison, upon the request of
4 Abdel Karim Aweis that was an officer in the general
5 intelligence, the very body that informed Arafat of the arrest.

6 Q. Who runs the general intelligence?

7 A. Tawfiq Tirawi.

8 Q. So was Tawfiq Tirawi the boss of this guy Abdel Karim
9 Aweis?

10 A. Yes, sir.

11 Q. So do we have any information about -- let me not ask it
12 that way.

13 How long was it between the date of his arrest,
14 Hashaika's arrest February 10 and the bombing that injured the
15 Bauer family?

16 A. Yes. That happened on the 21st of March. So given that
17 February is usually a short month, we speak about 40 days,
18 about 40 days.

19 But I would like to add, if I may, that we have
20 evidence that even in that period of so-called being arrested,
21 this was also kind of a sham arrest.

22 MR. ROCHON: Objection, your Honor.

23 A. It was not --

24 THE COURT: Just a minute. Sustained. I am going to
25 cut you off.

F1M8SOK6

Shrenzel - direct

1 Your question.

2 Q. What I would like to do is turn you to tab B of the
3 Hashaika documents.

4 A. Yes, sir. Which tab? B.

5 Q. I just want to look with you at Plaintiffs' Exhibit 9.

6 A. One minute. What page, please?

7 Q. So it's just the first page of Plaintiffs' Exhibit 9, the
8 first page of tab B.

9 A. Yes. I am with you, counselor.

10 Q. What are we looking at here with regard to Hashaika?

11 A. We have again a record of his salaries from the year 2000
12 till the first month of 2002.

13 Q. What was his rank in the police?

14 A. In the last salary he got here, he was a corporal.

15 Q. How much did they pay him per month as a corporal?

16 A. 1,019.96 shekels.

17 Q. I want to make sure I have it right. Corporal is lower
18 than a colonel, but it's not the junior most rank. Do I have
19 that right?

20 A. It's not the first rank on the ladder, but it's the second.
21 It's not very high. It's very low, actually.

22 Q. They are paying him a thousand shekels a month?

23 A. Yes, sir. A bit more.

24 Q. Now, I want to ask you about some things that we see in tab

25 D. So why don't we start by looking at tab D and just tell us,

F1M8SOK6

Shrenzel - direct

1 what is tab D?

2 A. Tab D is an administrative order by the public security,
3 namely, the general security, and its institutional
4 organization and administration.

5 Q. I think I may have misdirected you. I meant to say tab C,
6 Exhibit 14. Is that what you're looking at?

7 A. I am looking at 14. I tried to decipher or to explain what
8 is written on the left side in the English version.

9 Q. Bear with me, Mr. Shrenzel. We are on tab C?

10 A. Yes.

11 Q. With regard to tab C, Exhibit 14, whose document is this?

12 A. This is a document -- this is some kind, let's say a form
13 or formal document from the bureaucracy that deals with the
14 status of the Palestinian -- the rank and file of the
15 Palestinian security apparatuses.

16 Q. I notice it says Palestine Liberation Organization and then
17 Palestinian National Authority.

18 A. OK.

19 Q. Is that both of the defendants that are here in this case?

20 A. Yes. That's the case.

21 Q. Just looking at that logo, are you able to read that or do
22 you want to look at the Arabic version?

23 A. It says (speaking Arabic).

24 COURT REPORTER: I can't record that.

25 A. I can skip it, but I just want to make sure so better stick

F1M8SOK6

Shrenzel - direct

1 with the original sometimes.

2 OK. It says the PLO, the Palestine Liberation
3 Organization. And then the PNA that we have seen so many
4 times.

5 Q. That's the logo of both of them on that document?

6 A. That's the way it seems, yes.

7 Q. What are they saying in this administrative order about
8 Corporal Hashaika?

9 A. That he was discharged from the salary roster of the police
10 department, northern provinces, as of February 1, 2002, for
11 being unfit to be a police officer?

12 Q. Now, that date February 1, 2002, let's just keep
13 that -- can you just keep that date in mind for me as we go to
14 the next document?

15 A. I will do my best effort.

16 Q. Let's flip over to tab D. This is Exhibit 95.

17 What is this document under Exhibit 95, what is this?

18 A. It's another report from -- of course, another PA
19 institution, but maybe it's even the same institution that we
20 referred to before. But, of course, it's a formal form or
21 document of the PA.

22 Q. It's a formal document of the PA?

23 A. No doubt about it. You have his picture even here.

24 Q. So now let's just turn pages. I want to turn one, two,
25 three, four, five, six, seven, eight, nine, ten, eleven,

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Shrenzel - direct

1 twelve. I want to turn twelve pages, and we are going to look
2 together at the one that has a 478 at the end, 029478.

3 A. 94? Please repeat, sir.

4 Q. 9478. I will just put it up on the screen so we can all
5 look at it.

6 So what are we looking at here?

7 A. We are looking at another administrative order. This is
8 clear that it was issued by the Palestinian police. Would you
9 like me to read it?

10 Q. Sure. Why don't you read the part that I have highlighted
11 or read the part that you're interested in?

12 A. "Pursuant to the administrative order issued from the
13 organization and administration institution/number this and
14 this, dated February 11, 2002."

15 Q. So that's February 11. That's ten days after that February
16 1 date we were referring to?

17 A. Yes. I believe that refers to the previous document in the
18 binder.

19 Q. What are they saying underneath after they are explaining
20 what the order dated February 11 is?

21 A. They actually say they backdate his being fired from the
22 police, dismissed from the police, to February 1, 2002, as we
23 also saw in another document.

24 Q. Are you saying they backdated the date of his dismissal?

25 A. Yes. They wanted it to look like that he was dismissed on

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Shrenzel - direct

February 1, and not on February 11.

Q. February 11, was that before or after the date of his arrest?

A. This was one day after his arrest by the Palestinian forces because, or as we explained, because he wanted to carry out a terrorist attack inside the Green Line.

Q. Then it says, "Corporal Mohamed Hashaika, from the police of the government of Nablus, is hereby dismissed as of February 1 due to his inability to perform the duties required as a police officer."

I guess I have asked you enough about that backdating. Let me go to another document.

A. OK.

Q. I guess we should go to tab A. What do we have in tab A?

A. Of which person?

Q. Of Hashaika.

A. In tab A, we have a document prepared by the Institute for the Martyrs Families and the Injured. Again, it's an organ of the Ministry of Social Affairs that belongs to the PNA.

To cut a long story short, this is his martyr's file.

Q. Can we just look at the second page of his martyr file?

A. Yes, sir, I am there.

Q. Under administrative data, what organization are they saying he belonged to?

A. Al Aqsa Martyr Brigades.

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Shrenzel - direct

1 Q. Under description of the event, right before the
2 blacked-out part of the document?

3 A. Yes. It says that he was martyred while executing a
4 martyrdom operation in Jerusalem. The operation led to the
5 killing and injuring of a large number of Israelis.

6 Q. What does it say right below the blacked-out part?

7 A. It says, this person, he was raised to love the nation.

8 Q. He was raised to love the nation?

9 A. Yes.

10 Q. What does it say he did during the Al Aqsa Intifada?

11 A. He participated in a number of operations and armed clashes
12 against Israeli targets and equipment until he was martyred
13 while defending Al Aqsa.

14 Q. If we just look on the fourth page, if we just turn over
15 and look at the fourth page of this document?

16 A. What number, sir?

17 Q. It's 7307.

18 A. Yes.

19 Q. Does this document indicate -- just where it says approval
20 of the general director.

21 A. Yes, sir, I see it.

22 Q. He is being approved as a registered martyr?

23 A. Yes. It speaks for itself, yes.

24 Q. What happens because he becomes a registered martyr?

25 A. His family deserves an allowance, at least, and of course

F1M8SOK6

Shrenzel - direct

1 he will be praised on various occasions, etc.

2 Q. Why does his family get that money? What did he do for
3 them to get that money?

4 A. Well, he reflected on his love of his nation was reflected
5 by killing civilians in central Jerusalem. That is considered
6 an act that merits his family with an allowance, very
7 unfortunate.

8 Q. Who considers that to be such an act?

9 MR. ROCHON: Objection, your Honor.

10 THE COURT: Sustained.

11 Q. When you say that's considered to be an act that warrants
12 approval, who were you referring to?

13 MR. ROCHON: Objection.

14 THE COURT: Overruled.

15 A. To those who wrote this document, those who prepared this
16 martyr file. As I said, this is an official organ of the PA
17 and this is the regular pattern. Every person that was killed
18 during the confrontation was considered -- usually, after some
19 verification, as we see here, he was considered a martyr.

20 Q. Now, I think I would like to go to the next individual in
21 our binder, which is Nasser Shawish.

22 A. I am there.

23 Q. OK. Great.

24 Let's turn past tab A and let's -- actually, let's
25 stop at tab A just for a second and make sure we are oriented.

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Shrenzel - direct

1 Who is the defendant in tab A?

2 A. Tab A. One minute. This is Nasser Shawish.

3 Q. Then 366 we can skip over. That's in tab B.

4 So let's go to -- let's pause for a minute at tab C.
5 Before we get there, if you could just describe Nasser Shawish
6 as you understand his activities based on the documents?

7 MR. ROCHON: Objection, your Honor.

8 THE COURT: Sustained as to form of the question. Be
9 more specific.

10 Q. Based on his conviction, could you summarize for the jury
11 the nature of Nasser Shawish's terrorist activities?

12 A. Yes, sir. Nasser Shawish, he was a key operative of
13 Fatah/Al Aqsa Martyr Brigades in the area of Nablus.
14 Unfortunately, he was moved from the Nablus area.

15 MR. ROCHON: Objection. This is in the document, your
16 Honor.

17 THE COURT: I don't want a wandering narrative. Stay
18 focused.

19 Q. Without giving a long narrative, if you could just
20 summarize what were his activities of which he was convicted?

21 A. OK. I am really sorry for that. It's my first time on the
22 stand.

23 Q. That's OK.

24 THE COURT: It's fine.

25 A. Nasser Shawish, as I said, he was a key operative in the

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Shrenzel - direct

1 Nablus area. He participated in quite a large number of terror
2 attacks and he was convicted for multiple life imprisonment.

3 Q. Is that on multiple counts of murder?

4 A. Yes, sir.

5 Q. Who did he report to in the Al Aqsa structure?

6 MR. ROCHON: Objection.

7 THE COURT: Overruled.

8 You can answer.

9 Q. If you remember.

10 A. I think, basically, he had relations with a few activists.

11 OK. You don't want me to mention that he was transferred to
12 Ramallah, but it's relevant to this case. So with many senior
13 activists of the Al Aqsa Martyr Brigades in the Ramallah area,
14 and of course before his transfer with activists in his area.

15 Q. Let's take a look at tab C, and we will just flip through
16 and take a look at his pay records. Do you have those in front
17 of you?

18 A. I'm not sure. I don't see C.

19 I have D, and I have before that C, yes.

20 THE COURT: Do you have it?

21 THE WITNESS: Yes.

22 Q. 83, we have got -- if you would just page through and tell
23 us what we are looking at in 83.

24 A. We are looking at allocations to his family from the year
25 2002 going ten years forward, all the way ten years forward to

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Shrenzel - direct

2012.

Q. What was his salary when he first got arrested on charges of murder in 2002?

A. We have information about October and further. It's an allowance to his family. He was not an employee of the PA. So it's 1,180.

Q. Was he getting paid by the PA before October of 2002?

A. I don't think that we have any specific record about that.

Q. Then after October of 2002, he started getting payments?

A. Yes.

Q. Let's just see if we can --

A. I hesitate. May I add that during his terrorist activity he was not given a regular salary, but we have information that he, as a member of the Al Aqsa Brigade, got financial assistance from higher echelon of Fatah.

MR. ROCHON: Objection.

THE COURT: I am going to sustain the objection.

Ladies and gentlemen, disregard the last answer.

It's just easier if you just answer his questions and then we won't have to get these objections.

MR. ROCHON: I don't know if the Court is going to take an afternoon recess.

THE COURT: Let's take a break, ladies and gentlemen.

Take ten minutes. Don't discuss the case. Keep an open mind.

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Shrenzel - direct

1 (Jury exits courtroom)

2 MR. YALOWITZ: May I just say something?

3 THE COURT: Yes, you can say whatever you want.

4 MR. YALOWITZ: May I address the witness?

5 THE COURT: Not if I have to sit here and listen to
6 it. If you have something to say to me, say it to me.

7 MR. YALOWITZ: I just want to say to your Honor I am
8 working real hard with the witness to get him to focus on the
9 question and answer the question and not go off on things that
10 I haven't asked him about.

11 THE COURT: I am not scolding you or the witness. As
12 a matter of fact, it's just the opposite. I am attempting to
13 give you a significant amount of leeway to question this
14 witness. But I can only do so if I know you're asking focused
15 questions that the answers to those questions can be
16 anticipated and will be obvious.

17 MR. YALOWITZ: I will work on that.

18 THE COURT: That's all. I can't control the other
19 side getting up, if he wants to volunteer something, to object
20 because I don't know what he is getting ready to say.

21 MR. YALOWITZ: I am not criticizing Mr. Rochon for
22 interrupting the witness if he feels it's necessary.

23 THE COURT: I am prepared to give you more control
24 over this. As long as you focus the question, you can ask him
25 anything you want to ask him.

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Shrenzel - direct

1 MR. YALOWITZ: I take responsibility for it.

2 MR. ROCHON: I asked for the break because I am very
3 concerned about this, and I think it's extremely prejudicial
4 and I think it is caused partly by counsel's question and
5 partly by the witness. That last answer is something that you
6 had specifically excluded in the redactions.

7 THE COURT: Which answer?

8 MR. ROCHON: The answer that was volunteered by the
9 witness about the payments that this guy was getting.

10 MR. HILL: That's a statement from an alleged
11 custodial interrogation of Nasser Shawish, which you have
12 expressly excluded.

13 THE COURT: Which payment? Are you talking about
14 martyr payments?

15 MR. ROCHON: We talked about the salary, which is in
16 the records. Then without a question, the witness says, but I
17 do have information that he was being paid by the Al Aqsa
18 Martyr Brigades during such and such a period. You ordered
19 that to be redacted. It is redacted.

20 MR. YALOWITZ: I don't think that's correct.

21 THE COURT: Let's finish this.

22 MR. ROCHON: The witness needs to be directed. And
23 since it's all based on documents anyway, in theory he is only
24 supposed to be testifying about facts that are otherwise in
25 evidence, show him the document that's in evidence and then we

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Shrenzel - direct

1 don't have to worry about him adding stuff.

2 The other thing I would say, your Honor, at this
3 juncture, after almost every answer that counsel likes, he
4 compliments it in one way or another either by saying, that's
5 helpful, thank you, or he repeats the answer he likes, or thank
6 you for that, that's great, or thank you very much. At some
7 point counsel is not allowed to praise the answers.

8 THE COURT: Stop.

9 Mr. Yalowitz, let's try to stick with question and
10 answer. I want both sides to minimize their comments, whatever
11 they are, but I can tell you what I say to my class on trial
12 advocacy. When a lawyer does that, the jury doesn't remember
13 the times he thanked the witness; they remember the times he
14 did not. So my suggestion is, let's focus the question, let's
15 cut out the commentaries, let's cut out the comments in between
16 from both sides, and let's get through this in an efficient
17 manner. So let's all attempt to do this more efficiently and
18 more focused and more direct.

19 The witness should understand that the witness is here
20 to answer questions, not to volunteer information, to give a
21 responsive answer to the lawyer's question. And the lawyers
22 ask what they want to know. If they don't ask it, then they
23 don't want to know it. So that's the way it works. That's not
24 scolding anybody. That's the way the rules work.

25 Let's take a break and we will proceed.

F1M8SOK6

Shrenzel - direct

1 (Recess)

2 THE COURT: Let's get the jury in.

3 (Jury present)

4 ISRAEL SHRENZEL, resumed.

5 MR. YALOWITZ: Ladies and gentlemen, we were on tab C
6 of Nasser Shawish.

7 If we could look together -- I am going to turn pages,
8 turn one, two, three, four, five, six and seven. When we get
9 to the seventh page, I am looking on the left-hand side of our
10 binder at 9327.

11 A. Again, please.

12 Q. 9327.

13 A. Yes, sir.

14 Q. So 9327, just remind the jury what kind of document this
15 is.

16 A. This is a document that the intention is to revalidate his
17 status as a prisoner in an Israeli jail.

18 Q. If you could just pull the microphone a little closer to
19 you.

20 THE COURT: Would you pull the microphone down?

21 Q. Who is the creator of this document? Whose document is
22 this?

23 A. The PNA. Within it, the ministry of prisoners and
24 ex-prisoners, and the program for ex-detainee rehabilitation.

25 Q. What do they say is the reason he is in jail? What does

F1M8SOK6

Shrenzel - direct

1 the PA say is the reason he is in jail?

2 A. His fight for his country.

3 Q. Let's go to Abdel Karim Aweis.

4 Here I would like to go past tab A to tab B.

5 MR. YALOWITZ: And with your Honor's permission, I
6 just want to direct the jury's attention to page 35 of tab B to
7 remind us.

8 May I read paragraph 3?

9 THE COURT: Yes.

10 MR. YALOWITZ: "In early March 2002, Mohamed Hashaika
11 was remanded in the Mukata'ah complex of the Palestinian
12 Authority in Ramallah. Following the request of the defendant,
13 who is" -- I think it should say -- "in the general
14 intelligence of the Palestinian Authority, Mohamed Hashaika was
15 released from the said remand."

16 Q. Now I want to go to tab C and ask you, what was Abdel Karim
17 Aweis's job in February 2002 during the events we just read
18 about?

19 A. In February of 2002, he was employed by the Ramallah
20 intelligence as a first lieutenant.

21 Q. Did he remain on the payroll after April of 2002?

22 A. Yes. We have information about the year 2002 till
23 December, for example, yes.

24 Q. Do you recall whether Abdel Karim Aweis appeared on the
25 Zinni list?

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Shrenzel - direct

1 A. Yes. He was on the Zinni list.

2 Q. Do you recall when he was arrested?

3 A. The exact date, unfortunately, I don't remember.

4 Q. All right. We can look at that later, but I just want to
5 try to keep us moving then.

6 I want you to look with me at tab D and just tell me
7 how many times he has been promoted since 2002?

8 A. Yes. He was promoted three times.

9 (Continued on next page)

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F1MZSOK7

Shrenzel - direct

1 BY MR. YALOWITZ:

2 Q. And let's just flip back to tab B. and we could figure out
3 when he was arrested by the Israeli authorities. Let's look at
4 its 356 tab B, very first page. We're going to flip backwards.

5 A. March 30, 2002.

6 Q. Now, I'd like to direct you to count two of the indictment
7 to which he pled guilty, and just will let me know when you're
8 there. It's the third page in.

9 A. The second count?

10 Q. Yeah, count two.

11 A. On page three, yes?

12 Q. Yeah.

13 A. Okay.

14 Q. And just could you just explain to the jury what he was
15 convicted of in this count?

16 A. Holding an office in an illegal organization.

17 Q. And which illegal organization was he serving in?

18 A. The Al Aqsa Martyrs Brigades.

19 MR. YALOWITZ: And may I read, your Honor?

20 THE COURT: Yes.

21 MR. YALOWITZ: The above mentioned defendant, from
22 late 2000 until he moved from Jenin to Ramallah in
23 December 2001, served as head of the Al Aqsa Martyrs Brigades,
24 the military arm of the Tanzim of the Fatah, which is an
25 illegal organization in the Jenin area.

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Shrenzel - direct

1 In December 2001, the defendant moved to Ramallah and
2 then left the above-mentioned function and joined the
3 leadership of the Al Aqsa Martyrs Brigades in the Ramallah
4 area.

5 Q. Is that something that you were commenting on before?

6 A. Nothing, not in a special way. This is, this is
7 acceptable. I mean, this is common offense ascribed to people
8 of this nature and post.

9 Q. Let me direct you now -- by the way, did Abdel Karim Aweis
10 have disciplinary problems before his, before his joining the
11 PA Police Department?

12 MR. ROCHON: Objection.

13 THE COURT: Overruled.

14 A. Yes, he did.

15 Q. What were they?

16 A. He was convicted for murder for, of murdering a person with
17 a knife and an axe. He was sentenced to imprisonment life.

18 Q. Now, let me take you to Qahira Al-Sa'adi. What was Qahira
19 Al-Sa'adi's role in this attack?

20 A. She was in the vehicle in which the perpetrator of the
21 attack was transported to Jerusalem and she even escorted him
22 to the scene of the crime.

23 Q. Was she a PA employee during the crime?

24 A. No.

25 Q. Did they put her on the payroll afterwards?

F1MZSOK7

Shrenzel - direct

1 MR. ROCHON: Objection.

2 THE COURT: Overruled.

3 A. Yes, they did.

4 Q. Why don't we go to tab C in your binder under Qahira
5 Al-Sa'adi. That's exhibit 63?

6 A. 6?

7 Q. 63?

8 A. What tab again?

9 Q. C.

10 A. C, okay. 63, yes.

11 Q. And so what do we have in tab C?

12 A. We have in tab C, prisoner file.

13 Q. Now, if we page through, what are we seeing in terms of pay
14 records here?

15 A. We have information of payment. We have here information
16 of payments from 2004 till 2012.

17 Q. Now, I want to go to the next individual in our binder and
18 just tell us who we're looking at here, who is this photograph
19 of?

20 A. This is Sana'a Shehadeh.

21 Q. And what was her role in the conspiracy?

22 A. Quite similar to that of Qahira Al-Sa'adi, they were two
23 women being in the taxi that took him, took the perpetrator to
24 the scene.

25 Q. So let's -- and she was one of the two women?

F1MZSOK7

Shrenzel - direct

1 A. Yes.

2 Q. All right, let's go to tab C -- I'm sorry, to tab D, our
3 last one in this binder. Now, what are we looking at here?

4 A. Again, this is her prisoner file.

5 Q. And what are we seeing in terms of pay records here as we
6 page through?

7 A. About her, we have information from 2003 till 2012.

8 Q. Now, and by the way, what was the -- when she -- it's hard
9 to tell, at 2003 what were they paying her -- I'm sorry, 2002,
10 what did they start her off on in terms of prisoner salary?

11 A. Okay, I made mistake, I'm sorry. We have information
12 pertaining to 2002 as well, beginning from August of that year.

13 Q. And what did they start her off at in terms of prisoner
14 salary?

15 A. Seems to be --

16 Q. I'm sorry, did you have a figure on what they started her
17 off on with her salary?

18 A. According to what they say August 2002.

19 Q. Now, and how much money was she being paid as of
20 August 2002?

21 A. Here it says 900, 900 shekels.

22 Q. And between August 2002 and April of 2012 -- by the way,
23 what was her salary as of April 2012 at the very top of this
24 chart?

25 A. 4,630 shekels.

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Shrenzel - direct

1 Q. And between 2002 and 2012, did she perform any services for
2 the PA or the PLO in order to earn this salary?

3 A. She was just in jail.

4 Q. All right. Now, have you had occasion to observe videotape
5 of Sana'a or Qahira provide and describing their role in this
6 crime?

7 MR. ROCHON: Objection, your Honor. This is a matter
8 we need to discuss with the court.

9 THE COURT: Didn't we discuss this exhibit?

10 MR. ROCHON: No.

11 MR. YALOWITZ: I thought that -- well --

12 THE COURT: Yes or no?

13 MR. YALOWITZ: I thought we did.

14 THE COURT: We discussed this already?

15 MR. ROCHON: I don't think we've covered this.

16 THE COURT: All right, come up.

17 (Continued on next page)

F1MZSOK7

Shrenzel - direct

1 (At the sidebar)

2 MR. ROCHON: Your Honor, I believe it's in today's
3 letter that we sent the Court, we discussed this.

4 THE COURT: Is this one of the ones you played for me?

5 MR. ROCHON: No.

6 THE COURT: Which one is this, which one are you going
7 into?

8 MR. YALOWITZ: I thought that we -- I thought we dealt
9 with this weeks ago.

10 THE COURT: Which one is this?

11 MR. YALOWITZ: This is --

12 THE COURT: Slow down, please. Which --

13 MR. YALOWITZ: This is the clip where she says I
14 walked with the guy, I walked with him, I told him where to go
15 and he -- she says, describes her eyewitness of participating
16 in the perpetration of the attack. I thought we went over this
17 before, before the trial even started.

18 MS. FERGUSON: That was a different video, that was
19 372, and you submitted the declaration of P. Benichou. That
20 was a different video.

21 MR. YALOWITZ: I thought that we, I thought that you
22 saw it?

23 THE COURT: I don't -- I've seen a lot of videos I
24 can't tell you --

25 What's your objection to this video?

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Shrenzel - direct

1 MS. FERGUSON: This is a video that is called,
2 according to plaintiff's, bribes of Shehadeh. There is no one
3 to lay a foundation for it. She wasn't a PA employee, so it's
4 not a party admission. It's highly prejudicial. I don't know
5 where this video came from, I don't know who made it.

6 THE COURT: I remember the title and I remember
7 reviewing, at least reviewing the papers because I remember my
8 reaction to the title, but I don't know if I know what the
9 content of --

10 MS. FERGUSON: It's a different video about her called
11 suicide killers, that was the subject of --

12 THE COURT: So what's the contents that you're
13 concerned about, what is she --

14 MS. FERGUSON: She's describing her role in the
15 bombing.

16 THE COURT: Okay. And is there something wrong with
17 that?

18 MS. FERGUSON: Well, it's a very chilling video.
19 She's not our employee, and I have no idea who made this video,
20 where it came from.

21 THE COURT: Well it doesn't matter who made it. I can
22 take a --

23 MS. FERGUSON: As to other videos he was prepared to
24 lay an evidentiary foundation, I mean I don't know where this
25 came from, when it was made, who made it.

F1MZSOK7

Shrenzel - direct

1 MR. YALOWITZ: She's in jail. She's -- they show her
2 in the jail.

3 MS. FERGUSON: I can't tell if she's in jail. I can't
4 tell what's --

5 THE COURT: The reality is I can't give you an
6 informed judgment about this, unless I see the video. And if I
7 haven't seen the video, it's not one of the ones I've seen, I
8 need to see it before we get into it. So you have to tell me
9 whether -- see if you can go to some other area, we can cover
10 that.

11 MR. YALOWITZ: This is the end of -- this is the end
12 of the line on this attack, then we're going to go to the next
13 attack.

14 THE COURT: Well, you can to that, come back. I'm not
15 going to, you know --

16 MR. YALOWITZ: This is so obstructive, the defendants
17 are really being obstructive, your Honor, and --

18 THE COURT: You know --

19 MR. YALOWITZ: They're obstructing my examination.

20 THE COURT: Stop, stop.

21 MR. YALOWITZ: May I just be heard on this? Because
22 I'm very upset about it and I want to be heard. What I'm
23 getting is, to use the Yiddish, and Mr. Rochon uses this
24 before, I'm getting hondle direct.

25 MR. ROCHON: I never used that.

F1MZSOK7

Shrenzel - direct

1 MR. YALOWITZ: And we had, this afternoon we had an
2 objection to 233, we got to the bottom of that. We're going to
3 foundationalize that document, now we're getting a foundation
4 objection, a foundation objection, to take --

5 MR. ROCHON: Counsel has got to keep his voice down.

6 THE COURT: Slow down. You guys can't talk at the
7 same time. Let him finish.

8 MR. ROCHON: Keep his voice down.

9 MR. YALOWITZ: We're getting a foundation objection to
10 a video tape of somebody that everybody agrees is the
11 perpetrator who confessed, who was convicted and who is in jail
12 for this attack, and I'm entitled to make my presentation to
13 the jury in an orderly way.

14 THE COURT: Well then, you know what, Mr. Yalowitz,
15 I'm no longer sympathetic to either side on this issue. If you
16 want to make sure your -- you've been proceeding in the
17 opposite manner you should proceed in the future. It's not
18 about whether they have an objection. If you got something
19 that you want to get in, you better make sure it's going to get
20 in. You better find out early whether they have an objection
21 to it, what the objection is, and you better be ready to meet
22 it. I'm not going to listen to those kind of arguments any
23 more. You make sure you know what they're going -- you know
24 whether they have an objection or they don't have an objection.
25 If they have an objection, you should bring it up because it's

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Shrenzel - direct

1 your document and you want to get it in. I haven't seen -- I
2 can't give you an informed decision. I need to see this. So
3 I'm not dealing with this now, and I'm not sending the jury
4 home at 4:15 after we've spent all this time, making them cool
5 their heels. I'm going to give them some more testimony for
6 the next half hour. If you want to come back to this, you show
7 me the video and --

8 MR. YALOWITZ: Let's do that.

9 (Continued on next page)

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F1MZSOK7

Shrenzel - direct

1 (In open court)

2 MR. YALOWITZ: Your Honor we -- just one more moment
3 with the Court?

4 THE COURT: All right, sure.

5 (Continued on next page)

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F1MZSOK7

Shrenzel - direct

1 (At the sidebar)

2 MR. YALOWITZ: Now, your Honor, I have a different
3 video that I'd like to play.

4 THE COURT: Okay.

5 MR. YALOWITZ: That's also of these suicide
6 perpetrators.

7 THE COURT: Okay.

8 MR. YALOWITZ: This one is 372, this is 372. We have
9 an affidavit foundationalizing it.

10 THE COURT: Okay.

11 MR. YALOWITZ: And the affidavit is of the film maker
12 saying I recorded had this and this is, so on, so forth.

13 THE COURT: It's a video of what?

14 MR. YALOWITZ: Of the suicide -- of these two women
15 explaining their role in the attack.

16 THE COURT: Okay.

17 MR. YALOWITZ: And the defendants have seen that video
18 and, you know, I know that we went over these videos with the
19 Court, and I'm very sure that your Honor ruled on this.

20 THE COURT: Show me where and then I'll stay
21 consistent with that ruling, but you can't expect me to keep
22 track of that, you know, how much stuff I read.

23 MR. ROCHON: Can I ask the Court to make my point? I
24 would ask the Court to ask Mr. Yalowitz to confirm he didn't
25 even tell us he was going use this for this witness. This was

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Shrenzel - direct

1 not on any of the exhibit lists that we got.

2 THE COURT: Did you make an objection to --

3 MR. ROCHON: We've objected to it previously and we --

4 THE COURT: Do you have an objection to --

5 MR. ROCHON: I think, Judge, I think we do. It wasn't
6 on the list of things they were going use with this guy, none
7 of them.

8 THE COURT: Well I hear you, but that's not going to
9 solve my problem. Do you have an objection to this?

10 MR. ROCHON: Judge, in all honesty, I can't tell you
11 without seeing the thing. He didn't tell me that he was going
12 to use it.

13 THE COURT: Now, again, I'm not sympathetic to that.
14 You knew that they intended to use it at this trial, you
15 indicated you had an objection.

16 MR. ROCHON: We do.

17 THE COURT: You should be prepared to argue that
18 objection.

19 MR. ROCHON: I am.

20 THE COURT: I'm not going to play this game, guys.
21 We're not going -- every five minutes you have an objection and
22 you state objection weeks ago, and you didn't, and you now
23 object. If you got an objection, you better be able to
24 articulate it now or I'm not going to hear you.

25 MR. ROCHON: We have --

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Shrenzel - direct

1 THE COURT: What is your objection?

2 MR. ROCHON: We have an objection on the same grounds
3 as the last one.

4 THE COURT: What is your objection?

5 MR. ROCHON: Your Honor, it's prejudicial to the
6 defendants. These are not declarations against penal interest.
7 It's after the incident. As far as notice, it's after the
8 incident.

9 MR. YALOWITZ: He's rearguing.

10 MR. ROCHON: Judge, I'm not re-arguing.

11 THE COURT: Continue with your examination. I will
12 look at the video and I'm going to resolve it right away as
13 soon as the jury goes home.

14 MR. YALOWITZ: Okay, thank you.

15 (Continued on next page)

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F1MZSOK7

Shrenzel - direct

1 (In open court)

2 MR. YALOWITZ: Okay, ladies and gentlemen, we're done
3 with this second binder, so if we put that on the floor we'll
4 be able to collect those after you exit.

5 Q. Now, I want to turn to another area with you, Mr. Shrenzel,
6 which is -- well, first of all, having looked at the documents
7 in the binder before you, do you have an opinion, just without
8 going into detail, just yes or no, do you have an opinion on
9 the relationship between PA policies and the perpetrators as
10 evidenced in these documents?

11 A. I do.

12 Q. Would you please state it?

13 MR. ROCHON: Objection, your Honor.

14 THE COURT: Overruled. He can answer.

15 A. Well, what we have in front of us is a very lethal act of
16 terror perpetrated by this squad of Al Aqsa Martyr Brigades;
17 and, two of these, two of the members of this squad, or it's,
18 okay, at least two of the members of this squad are PA
19 employees, namely, the perpetrator himself and other
20 colleagues. We also saw some connection to this case, I want
21 to, I want to level with that now. And we saw of course
22 payments, promotions. According to the pay the, we've already
23 demonstrated in the previous attack, we know words of praise as
24 we saw as people are defined as serving there country loving
25 their nations, and this is effect by the attack, and maybe it's

F1MZSOK7

Shrenzel - direct

1 it was mentioned, it's up to you, it's something about the date
2 I think there is an importance to the date.

3 Q. Sure, I do think -- let me ask you, what was the date of
4 this attack?

5 A. The 21st of March, 2002.

6 Q. And how did that date relate to the designation of the Al
7 Aqsa Martyr Brigades as a terror organization?

8 A. Yes, it relates in the following, in the following manner;
9 that on that date there was, it was already clear that the
10 United States is going to declare Al Aqsa Martyr Brigade as a
11 FTO, Foreign Terrorist Organization. So we would have maybe
12 expected it in order to prevent the designation, there would be
13 much more activity on the part of the PA to frustrate this
14 attack. And what we did see to disavow or to disassociate
15 themself from the attacker, yes, we saw in the document,
16 qualified him only as an Islamic jihad. But the fact that he
17 was released, yes, this person was released and was free to
18 carry out this attack is, I think it's a sign that the PA was
19 not that worried or at least by the upcoming American
20 designation or at least didn't do anything substantial in order
21 to frustrate this act of terror and thus maybe gained points in
22 their image or relations with the American administration.

23 Q. Okay great. Now, I want to turn to something called the
24 Institute for Political and Moral Guidance of the PA. Are you
25 familiar with that institute?

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Shrenzel - direct

1 A. Yes sir.

2 Q. What is it?

3 A. It is an institute that is charged with let's say educating
4 the Palestinian masses, indoctrinating them and especially
5 indoctrinating those that work within the scope of the various
6 ministries and security apparatuses, namely, people that are on
7 the payroll of the PA. The idea is that this institute will,
8 will give them let's say explanations or, about the path that
9 the PA and the PLO is going in, and will instruct them, at
10 least generally, as to which positions they should stick to and
11 subsequently what actions they might take.

12 Q. And when was it formed?

13 A. This body was formed initially in Lebanon when the PA or
14 not -- wait -- where the PLO resided, in the 70's.

15 Q. And when was it moved from the PLO into the PA?

16 A. I believe with the establishment of the PA in '94.

17 Q. And how does this institute communicate its guidance?

18 MR. ROCHON: Objection, your Honor.

19 THE COURT: Overruled.

20 A. In various manners. There are publications that are
21 directed by this organ, there are statements by the head of
22 this organization, there are public gathering in which they
23 voice their position and standing. They might distribute
24 written material regarding other than the magazines, and I
25 think it's very basic and very important to the PA that such a

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Shrenzel - direct

body exists.

Q. Do they have units that are kind of embedded in the various security forces?

A. Yes. We can speak about political commissioners, yes, that are stationed in every important Palestinian official organ and inter alia the security apparatuses, they're called in Arabic Amaliya Ishtahadiya, the political commissioner.

Q. And what is the job of a political commissioner?

A. You can equate it a lot was used in the Soviet Union, to educate people, to control their minds and thoughts and lead them in a specific way that is desired by the central leadership of the PLO/PA.

MR. ROCHON: Objection, your Honor.

THE COURT: Overruled. You can cross-examine.

Q. Now, did these political commissioners, were they involved in the publication of magazines within the various security force branches?

A. Yes, they were.

Q. So have you had the opportunity to review those magazines?

A. Yes, we succeeded in obtaining some physical, some physical copies of some of these magazines, and also photos of other parts of some other publications.

Q. Do you have an opinion on whether these magazines reflect official PA policy?

MR. ROCHON: Objection, your Honor.

F1MZSOK7

Shrenzel - direct

1 THE COURT: Sustained.

2 Q. Do you have an opinion as to -- well, who was responsible
3 for editing these magazines?

4 MR. ROCHON: Objection, your Honor.

5 THE COURT: Over ruled.

6 A. Maybe we should analyze it on magazine-per-magazine basis.
7 But generally speaking, in most of them there was the
8 represented the people that represented or were members of this
9 national guidance did that job, and there was on the editorial
10 board, there was some other senior members of others.

11 Q. Now, which magazines in particular have you had the
12 opportunity to review?

13 A. Yes, we looked especially in four magazines. Would you
14 like me to enlist them now.

15 Q. Yes, would you please?

16 A. Yes. Al Watan, Al Watan, without -- Watane, okay again,
17 Watan, which means my fatherland. This is of the national
18 security forces.

19 Q. So that's the first one, Watan?

20 A. Yes. The name of this publication is Watan.

21 Q. Is that an Arabic word?

22 A. Yes, of course.

23 Q. And then how did you translate it?

24 A. My fatherland, my motherland, my homeland, what is the
25 place where a person resides and lives.

F1MZSOK7

Shrenzel - direct

1 Q. And what's the next one that you've had the opportunity
2 to --

3 A. Yes, we looked at Al Shuhada, means the martyrs in plural.

4 Q. Al Shuhada?

5 A. Al Shuhada, yes.

6 Q. Al Shuhada. And what does that mean?

7 A. It means the martyrs.

8 Q. The martyrs?

9 A. Yes. This was published by the forces of, security forces
10 stationed in the borders. Yes, this is a unit or some units
11 that came back from abroad to the territories with the
12 establishment of the PA. They were mainly stationed in Gaza,
13 let's say with the aim of supervising the border with Israel.

14 Q. You said they were mainly established in Gaza. Did they
15 also work in the West Bank?

16 A. I believe their publication was also distributed in the
17 West Bank.

18 Q. Now, what's the next one Al Shuhada?

19 A. The next one is (phonetic)Homat Alarene.

20 Q. Humat Alarene?

21 A. Yes, defenders of the lions den. This is, belongs to the
22 force 417 of the PA security apparatuses. This is a
23 presidential guard of Arafat, a force that is very loyal to
24 Arafat, stationed all over the territories, but especially in
25 the near vicinity of Arafat in Ramallah.

F1MZSOK7

Shrenzel - direct

1 Q. And what's the final one?

2 A. Just give me a moment, Ashuta, the final one is Ashuta,
3 which means deputies, yes in Arabic, and this is specifically
4 written that is issued by the command of the Palestinian
5 Police, stationed both in Gaza and in the West Bank.

6 Q. So do you have physical copies of some examples of these
7 magazines?

8 A. Yes. As I said, we obtained two copies for the purpose of
9 this testimony and the report.

10 Q. All right.

11 MR. YALOWITZ: May I approach the witness, your Honor?

12 THE COURT: Yes, sir.

13 MR. YALOWITZ: Your Honor, we're going to identify
14 these as 1194 and 1195, and I'm going to hand them to the
15 witness?

16 THE COURT: Yes.

17 A. Thank you.

18 Q. So why don't you take the first one out of that little
19 protective sleeve and just tell us what it is?

20 A. Yes. This is Ashuta, the police, it's from July 2000;
21 namely, even before the outbreak of the second defendant, we
22 saw on the cover the overall commander of the Palestinean
23 police, Razi Jabali, standing next to Yasar Arafat.

24 Q. And this particular magazine, who are the, who are the
25 editors listed on the mast head?

F1MZSOK7

Shrenzel - direct

1 MR. HILL: Your Honor, may we approach?

2 THE COURT: No.

3 MR. HILL: We've never seen this before this.

4 THE COURT: Then go up and show it to him.

5 MR. ROCHON: May we --

6 MR. HILL: May we see it?

7 MR. YALOWITZ: Sure. I'll represent to the Court that
8 we gave it to them quite a long time ago and --

9 THE COURT: You don't have to represent anything.
10 Just show it to them. If they recognize it, then we can move
11 on.

12 MR. ROCHON: I think we can address it after we're
13 done with the jury for the day if we may.

14 THE COURT: You can continue.

15 MR. YALOWITZ: All right.

16 Q. So we were on the --

17 A. Ashuta, yes. Could you please repeat your question?

18 Q. Sure. Who are the editors of this?

19 A. Yes, it's opening to it we see the name of Razi Jabali the
20 or the general, Razi Jabali, the commander of the police, and
21 he's qualified or defined here as the general supervisor.

22 Q. So that's --

23 A. Supervisor of this publication.

24 Q. Was there anybody in this Police Department above Razi
25 Jabali?

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Shrenzel - direct

1 A. No.

2 Q. And then who else is listed as an editor?

3 A. There are people that are designated as advisors, yes, some
4 of them doctors, and some of them officers, high ranking
5 officer, brigadier generals of the Palestinian police, and the
6 head of the of the editorial board is again, a colonel, Dr.
7 Abdel (phonetic) Haman L. Mosenyen.

8 Q. And how and where were these, was this magazine Ashuta
9 circulated?

10 A. According to what is written here, it was published again
11 by the general commander of the police in Gaza. They have here
12 the phone numbers, the number of the bulletin, and it says
13 clearly that this is a monthly publication dedicated to the
14 sciences of policing and law enforcement and it's, and that it
15 is issued by the little, or by the leadership by the command of
16 the Palestinian Police.

17 Q. So do you have another one on the podium there, before you?

18 A. Yes, sir.

19 Q. And is that one Watan?

20 A. Yes, this is Watan from March of 2001, namely, half a year
21 after the eruption of the --

22 Q. And whose emblem is on the cover there?

23 A. This is the emblem of here it's written only for the, we
24 notice know this emblem to be both the emblem of the PLO and of
25 the PA or mainly of the PA.

F1MZSOK7

Shrenzel - direct

1 Q. And who was this, who was this magazine directed at?

2 A. The National Security Forces of the Palestinian security
3 apparatuses.

4 Q. And is there any information on that magazine about who the
5 editors are?

6 A. Yes, first of all it says that this is the central organ of
7 or publication of the national security forces or the general
8 security forces here, and there is a designation of the
9 chairman of the editorial boards. Again he is colonel, his
10 name is here. You have other that serve as advisors as
11 managers of the editorial board, secretary, and people that are
12 engaged in the actual editing of this magazine.

13 Q. All right. Now, what kinds of articles appear in these
14 magazines generally?

15 A. The, all four of them or just the two that you handed me?

16 Q. All four of them.

17 A. Well, it depends. It's not the same in each and every one
18 of them.

19 MR. ROCHON: Objection, your Honor.

20 THE COURT: Overruled.

21 A. Usually it states, there is a statement on figures,
22 Palestinian policy or perception of the situation in that
23 specific time, when, a specific issue is published, for example
24 here in Ashuta, there is an article by (phonetic) Yufman Abula,
25 he was the head of the national guidance, and he -- sorry it's

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Shrenzel - direct

1 in Watan, and, the title said that there are three exits or
2 three roads, basic roads to for action. Yes, so this is his
3 understanding of the situation of July 2000 from the official
4 Palestinian point of view.

5 There are also articles depicting clashes with Israel.
6 It depends, of course, on the date and the circumstances of
7 every issue. A lot is dedicated to the personality of Yasar
8 Arafat quoting him, having pictures of him and of course
9 praising him, of various -- if you want, I can go over some of
10 the articles.

11 Q. No no. I think we've got it, enough of that background.

12 A. Yes.

13 Q. Let me ask you this. Have you had occasion to read various
14 articles that appear, not just these two, but in various other
15 of the four magazines from the period 2000 to 2004?

16 A. Yes, I did.

17 Q. And have you had occasion to consider and investigate
18 whether these magazines are what they purport to be, are they
19 authentic copies of magazines that were published during that
20 era?

21 A. Yes I believe it is. It's clear from everything that is
22 written on them.

23 Q. And have you -- do you, have you reached a view as to
24 whether they were published under the authority of the
25 Palestinian authority?

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Shrenzel - direct

1 A. Yeah. This is of course -- well, I think that it's clear
2 from the picture that I portrayed so far that the Palestinian,
3 that the PA and the PLO, they have the policy of supervising
4 press. It was not, it was rather far from being free press.

5 MR. ROCHON: Objection.

6 THE COURT: Overruled.

7 A. So they of course looked at the, supervised it, it was very
8 crucial to them what message do we convey to the, to our
9 forces. So it's not, it can -- it cannot be, let's say
10 sporadic or according to one's minds, et cetera. It should be
11 very centralized, and very clear cut.

12 Q. All right.

13 MR. YALOWITZ: So, your Honor, plaintiffs offer the
14 two exemplars, which I think we've identified as 1194 and 1195,
15 in evidence?

16 MR. ROCHON: Your Honor, I think we'd like to address
17 with the Court, but if we want to move through it now we can
18 address at the end of the day.

19 THE COURT: You object.

20 MR. ROCHON: I do, but I --

21 THE COURT: All right.

22 MR. ROCHON: Subject to that, we can proceed here. I
23 can talk with you about it afterwards.

24 THE COURT: All right. You can. We can either end
25 now, we can go onto another area for five minutes and then we

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Shrenzel - direct

1 can address this.

2 MR. YALOWITZ: Sure, okay. So why don't we -- I think
3 we're at a good breaking point. I think we've --

4 THE COURT: All right.

5 MR. YALOWITZ: -- covered more material than I had
6 expected today, and it's a good breaking point if it's
7 convenient for the Court.

8 THE COURT: Ladies and gentlemen, we're going to
9 adjourn for the day. Don't discuss the case, keep an open
10 mind. I'm going to ask you to be here -- sometimes I feel it's
11 more appropriate for me to tell you to come in later than
12 earlier, and we can start on time. So I'm going to tell you to
13 be here by 9:45. We'll be here 9:30 working so we don't have
14 to make you wait, as long if we can get through it efficiently
15 what we have to do to prepare for the day.

16 All right, so don't discuss the case. I'll see you at
17 9:45 tomorrow morning.

18 (Continued on next page)

F1MZSOK7

Shrenzel - direct

1 (In open court, jury not present)

2 THE COURT: You can step down, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Can I see the magazines? I just want to
5 see the magazines. You can step down.

6 MR. YALOWITZ: May I approach?

7 THE COURT: Yes. Mr. Rochon, what's your objection.

8 MR. ROCHON: Your Honor, I've got a couple. First of
9 all, and I need to give you a little background. I appreciate
10 the opportunity to do so.

11 So in the last two days, yesterday and the day before,
12 we received a total of 190 potential exhibits that would be
13 used with this witness identified by the exhibit number. And
14 then we scrambled we go through them, we write our letters and
15 we all know what happens. Among those 190, the numbers 1194
16 and 1195 aren't there, the had never been assigned. The number
17 372, which was that video they came -- the second video isn't
18 on this list. Now, I understand the Court to say, look, if you
19 know it's in evidence, you got to be ready to argue it. But
20 when you got 190, you focus on an expert witness who is pretty
21 critical to the case, you do focus on the ones they say they
22 might use. And I understand the Court admonished me up there
23 to be ready on anything. But, frankly, for him to go sotto
24 voce to me here to say you have an objection to 372 and I'm
25 like -- I haven't memorized the exhibit numbers just so it's

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Shrenzel - direct

1 clear. I got over whatever number now we're up to, almost 1200
2 exhibits. And he just says you got a objection talks to 372,
3 the answer is, I don't even know what 372 is, and I am prepared
4 to address it and I haven't had chance to look at it recently,
5 and it puts me in a bad position. And frankly, your Honor, I
6 don't think it's fair to criticize the defendant for not being
7 ready to argue that objection. I got 190 --

8 THE COURT: When do you think I'm supposed to be ready
9 to rule?

10 MR. ROCHON: I think you're supposed to be -- I think
11 they're supposed to tell me they want to use 372 and then
12 either object to it or we don't.

13 THE COURT: That's not the substance of what I wanted
14 to discuss. But, quite frankly, I don't accept that. The
15 reality is in most cases, regardless of how many exhibits there
16 are, I don't spend my time on every exhibit when you object to
17 thousands of exhibits, going through every one of them prior to
18 there being offered, and prior to them attempting to offer them
19 in evidence. That's a luxury that you've had today, and during
20 this trial. You're not entitled to that, okay. I tried to
21 work it out so the two of you can efficiently get this through
22 this trial. It is not working, okay. So the reality is is
23 that you're not entitled to anything, other than he tries to
24 lay a foundation. Either he does lay the foundation or doesn't
25 lay the foundation, he offers it into evidence, you object, I

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Shrenzel - direct

1 rule, it's either in or it's out. If you think it's
2 prejudicial to you to have that done before the jury, then you
3 better make sure that early enough long before we get there,
4 you better identify the ones that you don't want to go through
5 that process in front of the jury, so you raise that and make
6 sure that you understand whether it's coming in or coming out.
7 That's the general rule, okay. So I'm not particularly
8 sympathetic that you have to look at thousands of exhibits,
9 that you've already seen over the years. Because I have to
10 look at thousands of exhibits that I've never seen, and I have
11 to give you a ruling in 30 seconds, all right. So let's get to
12 the substance of this. What's your objection to this?

13 MR. ROCHON: Judge, those in that format, I've
14 never -- I didn't know they had the original.

15 THE COURT: What is your objection?

16 MR. ROCHON: Judge, I haven't looked at them.

17 THE COURT: That's not an objection. Unless you come
18 back tomorrow morning and give me a basis for legitimate
19 objection, these magazines are admitted in evidence.

20 MR. ROCHON: Right.

21 THE COURT: We can put that aside then because you're
22 not in a position to argue now. If you want to argue tomorrow,
23 then you tell me that that's a wrong ruling, tell me why.
24 Otherwise it's admitted.

25 MR. ROCHON: Can I be heard for a bit more on this,

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Shrenzel - direct

1 your Honor. Just so the record's clear, those are two colored
2 copies of magazines in Arabic. I'm going to check and see if I
3 got the complete copy of them from the plaintiffs. I don't
4 know. They were given a brand new exhibit number. So he's
5 just marking exhibits with a new number. I don't know what
6 he's doing.

7 THE COURT: I don't know what he's doing either. I
8 don't know what you're doing. So I can't follow you guys here,
9 you know, you've seen these before, you've had them probably
10 for years, okay.

11 MR. ROCHON: Judge, I've only had parts of them. I
12 don't know what else is in there. I want to go --

13 THE COURT: Mr. Rochon, why give me a reason why you
14 want -- you're not ready to argue? I don't want to hear it.
15 When you're ready to argue, come back to me and give me the
16 substance of your argument.

17 MR. ROCHON: May we have the magazines over night,
18 your Honor?

19 THE COURT: You can do whatever you want with them.

20 MR. ROCHON: Thank you.

21 MR. YALOWITZ: They have them, your Honor. They were
22 sent on -- we will give them the date --

23 THE COURT: Look, Mr. Yalowitz, you make sure that
24 they do have a complete copy of those magazines, otherwise you
25 give it to them overnight.

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Shrenzel - direct

1 MR. YALOWITZ: You got it.

2 THE COURT: All right.

3 MR. ROCHON: If we could just get -- I don't even know
4 what exhibits they were previously.

5 THE COURT: Well, look, Mr. Rochon I'm not going to
6 spend my time doing this, okay. You spend your time doing
7 this. All right?

8 Now, any other issues substantively I can deal with?

9 MR. YALOWITZ: Your Honor, I have one other, your
10 Honor. On 372, the Court ruled on that in advance of January
11 8th.

12 THE COURT: Which one is 372?

13 MR. YALOWITZ: That's the one that Mr -- we went up
14 for a second time to the sidebar.

15 THE COURT: Show me the videos. How long are these
16 videos?

17 MR. YALOWITZ: I have an e-mail January 8th. "Per the
18 Court's ruling earlier this week, you will receive a link to
19 downloads shortly, the clip of Exhibit 372 that plaintiffs may
20 use at trial." So that we sent them this clip that we're going
21 to use on January --

22 THE COURT: Let me see the clip.

23 MR. YALOWITZ: Based on the Court's ruling of
24 January 7th.

25 There's also 352, but this is the one that I thought

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Shrenzel - direct

1 we --

2 (Video played)

3 THE COURT: Is that one video of the -- or both
4 videos?

5 MR. YALOWITZ: That's the first one.

6 THE COURT: Okay.

7 MR. YALOWITZ: And, frankly, we were going to omit
8 that and do the one I'm about to play to save time, but -- and
9 then I went back to this one because we specifically discussed
10 this one on January 6th, and that's where Mr. Rochon or
11 Mr. Hill, or both of them were arguing it's not a statement
12 against interest. And the Court said it is a statement against
13 penal interest. And their argument was, she's already in jail.
14 And the Court said, no, that's not true, that's never true.
15 Anything could happen. They could decide to partner, she could
16 decide that she is so sorry or so old they let her go, they may
17 decide they will never let her go because she never shows a
18 single ounce of remorse.

19 So I thought we had a ruling on 372, and in accordance
20 with the Court's instructions, we sent the defendants on
21 January 8th this clip which we just played. And so I kind of
22 thought we were done on that. And we show up in court and it's
23 like a whole new slew of objections.

24 THE COURT: Let me see the other one. How long is the
25 other one?

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Shrenzel - direct

1 MR. YALOWITZ: Shorter, and this is the one I'd rather
2 play because it's shorter.

3 (Video played)

4 THE COURT: Mr. Rochon, what's your objection?

5 MR. ROCHON: Your Honor, I have 372 and just -- that's
6 the one that wasn't on the list, but which we had disclosure
7 previously that -- the last one was only on the list, but we
8 hadn't talked to you about.

9 As to 373 we object on numerous grounds. 372 we think
10 that it's edited in a way to not be prejudicial.

11 THE COURT: I'm sorry, say it again?

12 MR. ROCHON: You probably didn't hear me.

13 THE COURT: No, the last part.

14 MR. ROCHON: We think it has been edited in a way to
15 be not prejudicial.

16 THE COURT: And when you said 372, I'm just not sure.

17 MR. YALOWITZ: The first one.

18 THE COURT: First one.

19 MR. ROCHON: Yes. The second one has a lot of
20 extraneous --

21 THE COURT: So your stronger objection is to the
22 second one.

23 MR. ROCHON: Yeah, and that's -- part of the confusion
24 here is 372 we looked at, we actually had a proposed redaction
25 we're going to use, then it was off the list.

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Shrenzel - direct

1 THE COURT: All right.

2 MR. ROCHON: So then I now look at 373 where I think
3 the Court's seen it, I know the record hasn't seen it, but it's
4 much longer, lots of graphic stuff, lots of things that aren't
5 self incriminatory but are unpleasant to see and hear for
6 people, where as the first one is fairly direct and is tied to
7 what the person actually did.

8 Our view previously to you has been that none of these
9 should come in, third parties and not PA people, not at a time
10 when it would incriminate themselves, and you haven't been
11 favorably disposed to those arguments. But we made them not
12 about -- so it's got a little jumbled up because the plaintiffs
13 changed their mind. We think 372 is far less prejudicial to us
14 and much closer to at least the actual incidents, it doesn't
15 have extraneous stuff that no one could say is self
16 incriminatory.

17 THE COURT: Mr. Yalowitz.

18 MR. YALOWITZ: What's the second one? 352 is a
19 narrative by the woman who is in jail for bringing the guy
20 there.

21 THE COURT: Is that the same person who was in the
22 other one?

23 MR. YALOWITZ: Right, saying exactly what she did and
24 how she did it. It's --

25 THE COURT: You're not satisfied with the first one?

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Shrenzel - direct

1 MR. YALOWITZ: No. I would rather have the second
2 one.

3 THE COURT: When did you disclose the second one?

4 MR. YALOWITZ: They've had it for years.

5 THE COURT: Okay. When did you tell them you were
6 going to use it in this trial? The first one is the one we
7 discussed. I remember the transcript was --

8 MR. YALOWITZ: Right, we disclosed --

9 THE COURT: Is there some reason why we didn't discuss
10 the second one at that time?

11 MR. YALOWITZ: They --

12 THE COURT: You took it off the list, right?

13 MR. YALOWITZ: No, I didn't take it off the list.

14 THE COURT: So why didn't we discuss it?

15 MR. YALOWITZ: Because we were dealing -- I thought we
16 did, but we're dealing with -- we were dealing with a letter
17 from the defendants.

18 THE COURT: Okay.

19 MR. YALOWITZ: I got to go back and look, but I
20 thought we were dealing with both videos.

21 THE COURT: Okay all right.

22 MR. YALOWITZ: It was my understanding from that
23 conversation that we were dealing with both videos.

24 THE COURT: You know, gentlemen, I just can't spend
25 this much time with you, you know. I can't. I'm going to

F1MZSOK7

Shrenzel - direct

1 start ruling and my rulings are going to be straight forward
2 direct and I'm not spending a lot of time hearing arguments
3 that could have been made in detail long before this. If you
4 can --

5 MR. YALOWITZ: I thought we did.

6 THE COURT: If you can lay the foundation for the
7 first video, I will allow you to put in the first video.
8 That's my ruling, end of story. All right.

9 MR. YALOWITZ: Your Honor, you know, it's so unfair.
10 This one, look --

11 THE COURT: Mr. Yalowitz, I'm done, all right. I
12 don't need -- you can wait when I leave, okay. That's my
13 ruling, okay. And if you guys, if you want to make sure you
14 get the rulings you like, then you better make sure that I know
15 what's coming and that you prepared yourself to make sure that
16 I can rule in your favor. That goes for both sides.

17 MR. YALOWITZ: All right.

18 THE COURT: So I'm putting this on you, guys. I'm not
19 going to deal with this any more. That's it.

20 MR. YALOWITZ: Mr --

21 THE COURT: Mr. Yalowitz, we're done for the day.

22 MR. YALOWITZ: All right, good night. I understand.
23 Good night.

24 (Adjourned to January 23, 2014 at 9:30 a.m.)
25

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ISRAEL SHRENZEL

Direct By Mr. Yalowitz 1068

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